



U.S. Security Assistance to the Palestinian Authority

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Summary

Since shortly after the establishment of limited Palestinian self-rule in the West Bank and Gaza Strip in the mid-1990s, the United States has periodically provided assistance to the Palestinian Authority (PA) for civil security and counterterrorism purposes. Following the death of Yasser Arafat in late 2004 and the election of Mahmoud Abbas as his successor as PA President in early 2005, then-U.S. Secretary of State Condoleezza Rice created the office of U.S. Security Coordinator (USSC) for Israel and the Palestinian Authority to help reform, train, and equip PA security forces which had been personally beholden to Arafat and his political allies. Previous Israeli-Palestinian efforts at security cooperation collapsed during the second Palestinian *intifada* that took place earlier this decade.

Since Hamas gained control of the Gaza Strip in June 2007, Lieutenant General Keith Dayton, head of the USSC since November 2005, and the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) have helped with the "gendarmerie-style" training of West Bank-based PA security personnel. As of June 2009, approximately 400 Presidential Guardsmen and 2,200 National Security Forces troops have been trained at the Jordan International Police Training Center (JIPTC) near Amman. All troops, new or already serving, are vetted for terrorist links, human rights violations, and/or criminal records by the State Department, Israel, Jordan, and the PA before they are admitted to U.S.-sponsored training courses at JIPTC. Approximately \$395 million in U.S. funds have been reprogrammed or appropriated through the International Narcotics Control and Law Enforcement (INCLE) account for training, non-lethal equipment, facilities, and strategic planning assistance for the PA forces, and for PA criminal justice sector reform projects, including \$100 million for FY2010 pursuant to the Consolidated Appropriations Act, 2010 (P.L. 111-117).

The performance of the U.S.-sponsored forces in law-and-order operations—including crowd control assignments during the December 2008-January 2009 Gaza conflict between Israel and Hamas—and in some operations aimed at countering militant and/or terror organizations has appeared to produce some positive results. Yet questions regarding the USSC/INL mission persist. How might short-term operational success translate into (1) a general pattern of sustained success in countering and dismantling militant and terrorist networks in the West Bank and (2) permanent consolidation of competent, defactionalized civilian control over the PA forces and the broader criminal justice sector? Can this occur in a complex political environment featuring the continuing presence of Israeli occupying forces and settlers, as well as other overt and/or possible covert PA security assistance from, among others, Arab states, Russia, the United States, and Europe? If it can, what are the long-term implications vis-à-vis Hamas-controlled Gaza? There could be calls for Congress to take into account how U.S. security assistance might lead to progress on (1) the Israeli-Palestinian political track, (2) Palestinian civil society, governance, and economic development, and (3) efforts to end geographical and factional divisions between Palestinians in the West Bank and in Gaza. Some argue that the USSC's staff should be increased and that movement restrictions on U.S. members of the USSC staff should be lifted. Some maintain that the U.S. mandate in security assistance matters should be expanded to give the USSC across-the-board authority to train and outfit PA security organizations, including for counterterrorism operations, and perhaps also to give INL an enhanced role in criminal justice sector reform. Others support a more modest U.S. "footprint" in the region, or question the advisability of U.S. security assistance altogether—preferring either to have the PA depend on itself or third parties for assistance or to transfer primary security responsibility in the West Bank to an international peacekeeping force.

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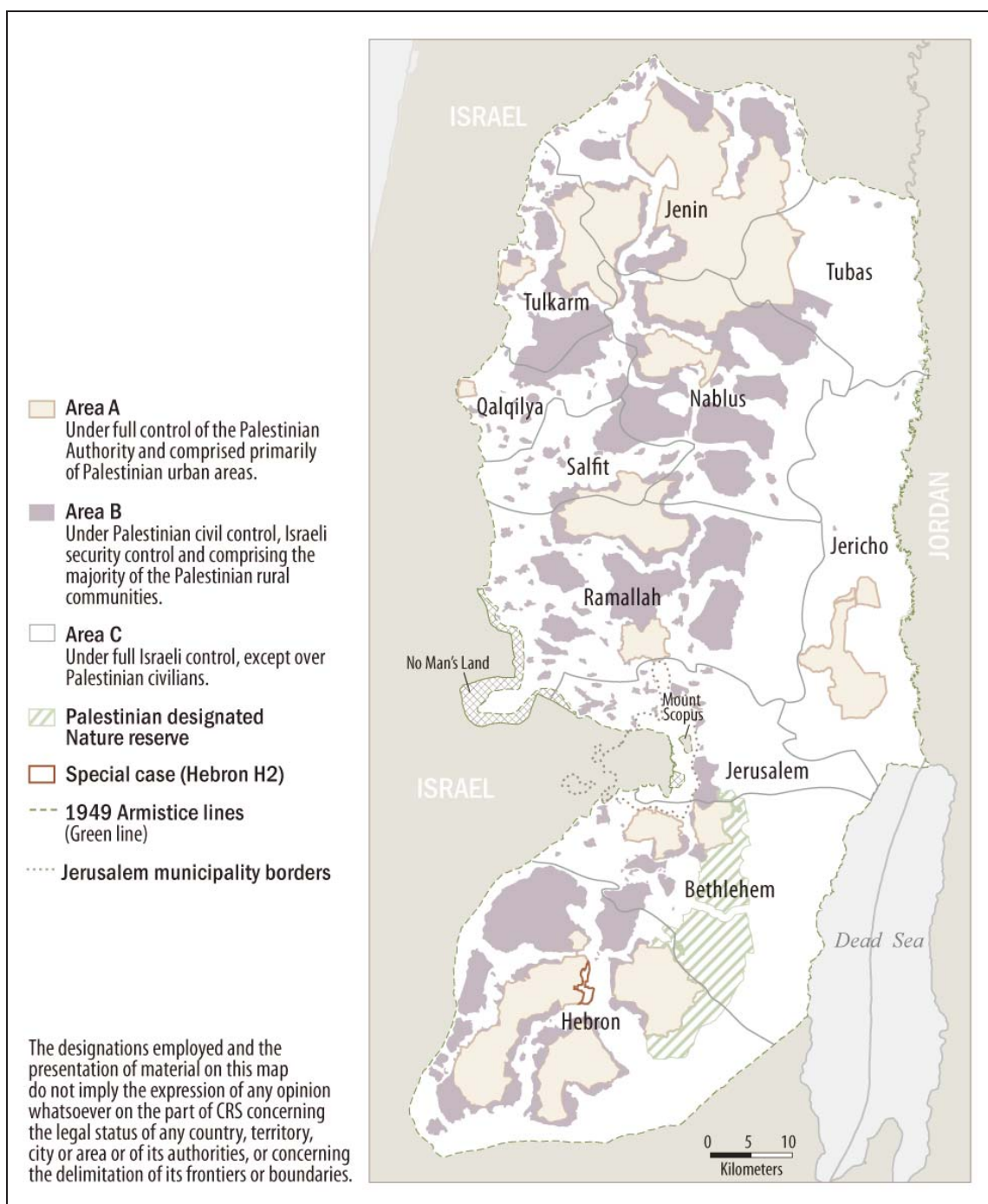
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Introduction

Since shortly after the establishment of limited Palestinian self-rule in the West Bank and Gaza Strip in the mid-1990s, the United States has periodically provided assistance to the Palestinian Authority (PA) for civil security and counterterrorism purposes. Following the death of Yasser Arafat in late 2004 and the election of Mahmoud Abbas as his successor as PA president in early 2005, then-U.S. Secretary of State Condoleezza Rice created the office of U.S. Security Coordinator (USSC) for Israel and the Palestinian Authority to help reform, train, and equip PA security forces which had been personally beholden to Arafat and his political allies. The USSC has been charged with helping professionalize and consolidate PA forces and with coordinating their activity with Israeli officials pursuant to both sides' obligations under the 2003 "Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict" (or "Roadmap"—see "Roadmap Obligations" text box below). These obligations are predicated on the understanding that security is a core issue upon which Israeli-Palestinian peace depends. Previous Israeli-Palestinian efforts at security cooperation collapsed during the second Palestinian *intifada* (also known as the Al Aqsa *intifada*, or "uprising") that took place earlier this decade.

Figure 1. Map of PA West Bank Governorates and Areas A, B, and C



Source: CRS – adapted from the U.N. Office for the Coordination of Humanitarian Affairs

Notes: All boundaries and depictions are approximate. Areas A, B, and C were designated pursuant to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, dated September 28, 1995. H2 was designated pursuant to the Protocol Concerning the Redeployment in Hebron, dated January 17, 1997.

Roadmap Obligations

Palestinian Roadmap obligations with respect to security:

- “Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere.”
- “Rebuilt and refocused PA security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.”
- “All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.”

Israeli Roadmap obligations with respect to security:

- “[Israel] takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan.”
- “As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.”

(Israel’s acceptance of the Roadmap, however, was made under the condition that, among other things, “The first condition for progress will be the complete cessation [by Palestinians] of terror, violence and incitement.” See Israel’s Acceptance of the Roadmap with 14 Reservations, May 27, 2003, available at <http://www.bitterlemons.org/docs/14reservations.html>.)

The Roadmap also calls for progressive resumption of Israeli-PA “security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.”

Except as otherwise specified, for all the above quotations, see A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, April 30, 2003, available at <http://www.bitterlemons.org/docs/roadmap3.html>. See also The Tenet Work Plan, March 2002, available at <http://www.bitterlemons.org/docs/tenet.html>.

Since Hamas gained control of the Gaza Strip in June 2007, Lieutenant General Keith Dayton, head of the USSC since December 2005, has provided guidance to the Jordanian Public Security Directorate (JPSD) and international contractors in connection with their U.S.-funded “gendarmerie-style” training of West Bank-based PA security personnel. The funding has come through the State Department’s INCLE account, managed by the Bureau of International Narcotics and Law Enforcement Affairs (“INL Bureau” or “INL”), which coordinates with the USSC. As of January 2010, approximately 400 Presidential Guardsmen and 2,200 National Security Forces (NSF) troops (comprising four NSF battalions) have been trained at the Jordan International Police Training Center (JIPTC) near Amman (see “U.S. Training Assistance to PA Forces” below). Dayton envisions that a total of ten 500-man NSF battalions will eventually be trained for the West Bank, and USSC/INL seeks funding from the 111th Congress to that end. See **Figure 1** above for a map of West Bank governorates and of zones of PA security responsibility (so-called “Area A” under the Oslo agreements of the mid-1990s). Dayton also has accepted a request from the U.S. Special Envoy for Middle East Peace, former Senator George Mitchell, that Dayton remain in his post at least through 2010.

Most reports note that law and order have improved where U.S.-sponsored, JIPTC-trained PA forces have been deployed in the West Bank, and operations featuring these forces in places such as Jenin, Hebron, and Qalqilya have resulted in some success in countering militant groups such

as Hamas and Palestinian Islamic Jihad (PIJ)—both of which are U.S.-designated Foreign Terrorist Organizations. Yet questions regarding the USSC mission persist. Might the PA forces establish a sustained pattern of success in countering and dismantling militant and terrorist networks, despite the facts that the United States may only supply non-lethal equipment to PA forces and that U.S.-sponsored training in Jordan has not concentrated heavily on counterterrorism techniques? Some Palestinians and outside observers assert that the effectiveness and credibility of PA operations are undermined by Israeli restrictions—including curfews, checkpoints, no-go zones, and limitations on international arms and equipment transfers—as well as by Israel’s own security operations in the West Bank¹ and its control over land, air, and sea access to Gaza. Israel claims that its continuing operations in the West Bank are necessary in order to reduce the threat of terrorism emanating from the territory. These operations underscore the fact that the Israeli-Palestinian agreements that authorized the creation of Palestinian security forces in the 1990s in areas of limited Palestinian self-rule contained clauses that preserve Israel’s prerogative to conduct operations in those same areas for purposes of its own security.²

Additionally, how might short-term operational success translate into permanent consolidation of competent, defactionalized civilian control over the PA forces and the broader criminal justice sector? Can this occur in a complex political environment featuring (1) the continuing presence of Israeli occupying forces and settlers; (2) other overt and/or possible covert assistance from, among others, Arab and other Muslim-majority states, Russia, the United States, and Europe; (3) possibly competing goals of (a) convincing the Palestinian populace to view—and unify around—PA forces as legitimate, nonpartisan protectors and as a potential bellwether of statehood and (b) thwarting terrorist/militia activity against Israel; and (4) historical obstacles posed by institutional inertia, Palestinian factionalism, and region-wide political trends? If it can, what are the long-term implications vis-à-vis Hamas-controlled Gaza?

Political complexity and attempts to address the demands of multiple stakeholders have troubled other U.S. security assistance and police training missions this decade—including those in Iraq, Lebanon, and Afghanistan. It is unclear to what extent similarities and differences between the Palestinian context and these other situations are likely to influence outcomes. It is also unclear how U.S. security assistance to the PA might lead to overall progress on (1) the Israeli-Palestinian political track (including Israel’s willingness to halt settlement building in the West Bank and East Jerusalem and to contemplate West Bank redeployments in connection with final-status negotiations), (2) Palestinian civil society, governance, and economic development, and (3) efforts to end geographical and factional divisions between Palestinians in the West Bank and in Gaza.

¹ See U.S. Department of State, Country Reports on Terrorism 2008, “West Bank and Gaza,” April 30, 2009, available at <http://www.state.gov/s/ct/rls/crt/2008/122433.htm>. See also International Crisis Group, *Ruling Palestine II: The West Bank Model?*, Middle East Report No. 79, July 17, 2008, http://www.crisisgroup.org/library/documents/middle_east___north_africa/arab_israeli_conflict/79_ruling_palestine_ii___the_west_bank_model.pdf; International Crisis Group, *Palestine Divided*, Middle East Briefing No. 25, December 18, 2008, available at http://www.crisisgroup.org/library/documents/middle_east___north_africa/arab_israeli_conflict/b25_palestine_divided.pdf; Mohammed Najib, “Palestinian Security Forces Must Aspire to Serve the State,” *Al Arabiya News*, May 18, 2009.

² See Declaration of Principles on Interim Self-Government Arrangements, September 13, 1993, available at <http://www.jewishvirtuallibrary.org/jsource/Peace/dop.html>; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, September 28, 1995, available at <http://www.jewishvirtuallibrary.org/jsource/Peace/interim.html>.

Background and Overview

Oslo-Era Security Assistance

U.S. security assistance to the Palestinian Authority was first provided after the Oslo agreements of the mid-1990s between Israel and Yasser Arafat's Palestine Liberation Organization (PLO) allowed for the establishment of Palestinian internal security forces in the Gaza Strip and parts of the West Bank as part of the plan for limited Palestinian self-rule in the two Israeli-occupied territories.³ Concerns existed from the forces' inception over potential threats to Israel's security from the blurring of the line between the new PA forces' policing functions and their potential for military use—as the forces were largely drawn from the PLO's Palestinian Liberation Army and from Arafat's personal security detail. Additionally, Arafat approved the establishment of several security and/or intelligence organizations personally accountable to him that were not officially mandated under Oslo agreements, such as the Preventive Security Organization (PSO).⁴ Israeli leaders tolerated the creation of these organizations partly because they believed that their less formal nature might give Arafat a freer hand to neutralize terrorist activity by Palestinian groups that rejected the Oslo peace process.⁵

Partly as a result of these concerns, the United States allowed other international actors—particularly Jordan, Egypt, Japan, the European Union and individual European states—to take leading roles in providing the forces' training and funding. Until 1996, the United States provided the PA little more than approximately \$5 million for police salaries and some non-lethal equipment (mainly trucks and boots from military surplus stocks), although it did maintain influence over the international security assistance effort through various mechanisms that were established to coordinate donor activities.⁶

U.S. involvement reportedly increased in March 1996 as political pressure to foster Israeli-Palestinian security cooperation rose following several terrorist attacks by Hamas in Israel. Likely determining that the organizations with personal ties to Arafat and patronage networks were more relevant than the official police, the Clinton Administration reportedly began providing these organizations with tens of millions of dollars in covert assistance to “increase the professionalism of the Palestinian security services and help combat terrorism,” according to the *New York Times*.⁷ The European Union also reportedly began a counterterrorism program.⁸ According to Norwegian

³ For detailed information on the history of Palestinian security forces in the West Bank and Gaza Strip, and on international efforts to assist these forces, see the following two books by Norwegian analyst Brynjar Lia: *A Police Force Without a State*, Reading, UK: Ithaca Press, 2006; *Building Arafat's Police*, Reading, UK: Ithaca Press, 2007.

⁴ Some assert that Arafat organized the PA security forces according to the traditional model adhered to by Arab authoritarian states—featuring multiple organizations with redundant or overlapping functions that are intended to “coup-proof” the regime by making sure that no single security organization has the power to overwhelm the others. See, e.g., Gal Luft, *The Palestinian Security Forces: Capabilities and Effects on the Arab-Israeli Military Balance*, Ariel Center for Policy Research, Policy Paper No. 131, October 2001. Most of the general training provided to Oslo-era PA forces was supplied by Arab states with little or no Western oversight.

⁵ See Lia, *Building Arafat's Police*, op. cit., p. 172.

⁶ Ibid., pp. 94, 104, 147-148.

⁷ Elaine Sciolino, “Violence Thwarts C.I.A. Director's Unusual Diplomatic Role in Middle Eastern Peacemaking,” *New York Times*, November 13, 2000. See also Vernon Loeb, “CIA Emerges to Resolve Mideast Disputes; Out of Shadows, Agency Is Directly Involved in Israeli-Palestinian Security Talks,” *Washington Post*, September 30, 1998.

⁸ See Lia, *Building Arafat's Police*, op. cit., p. 300, et seq.

analyst Brynjar Lia, the United States and other donors generally bypassed PA and international mechanisms that had been established to coordinate security assistance, instead dealing directly with their preferred organizations.⁹ By fostering a fiefdom mentality among competing security chiefs to address short-term objectives, these donors might have undermined their own calls for a more consolidated PA security sector answerable to civilian control and the rule of law.

U.S. and European security assistance programs continued despite the Hasmonean/Western Wall Tunnel riots in September 1996, which featured fatal clashes between Palestinian police and Israeli soldiers in and around Jerusalem.¹⁰ The role of the U.S. Central Intelligence Agency (CIA) in mentoring leaders from the Preventive Security Organization and helping coordinate Israeli-Palestinian security activities was reportedly formalized (although the CIA was not mentioned by name) in the October 1998 Wye River Memorandum.¹¹ Over the next 23 months, there were no major suicide attacks inside Israel, leading Israeli officials to praise Palestinian counterterrorism efforts.¹²

Backslides and Delays in Reform: 2000-2007

The outbreak of the second intifada in September 2000 followed the unsuccessful efforts by the United States to broker an Israeli-Palestinian peace agreement at Camp David in July. During the intifada, some members of Palestinian security forces engaged in activities aimed at Israeli soldiers and, in some cases, civilians.¹³ Palestinians generally characterized these actions as “resistance,” but most Israelis perceived them to be acts of militancy and/or terrorism. Some beneficiaries of U.S. aid were alleged to have been involved in or to have acquiesced to the violence.¹⁴ Israeli-Palestinian security cooperation essentially ceased, despite U.S. efforts to revive it as a means of reducing or halting violence through proposals such as the Sharm al Sheikh Fact-Finding Committee Report (also known as the “Mitchell Report”) of April 2001, the “Tenet Work Plan” and the “Zinni Paper” of March 2002, and the Roadmap (which was introduced by the international Quartet—the United States, United Nations, European Union, and Russia—in 2002 and formalized in 2003). Also, much of the PA security forces’ infrastructure was destroyed by Israel. Covert U.S. counterterrorism assistance programs to the Preventive

⁹ Ibid, p. 211.

¹⁰ See Luft, op. cit.

¹¹ See Sciolino, op. cit. According to Brynjar Lia, the CIA allegedly had built a relationship of trust with the PLO over many years. It had maintained contacts with the organization since the early 1970s after having, according to Henry Kissinger, concluded a “non-aggression pact” to resolve the crisis over the Palestinian Black September Group’s assassination of the U.S. ambassador to Sudan. Lia, *Building Arafat’s Police*, op. cit., p. 288.

¹² See Lia, *Building Arafat’s Police*, op. cit., p. 297.

¹³ One of the first incidents of the *intifada* was the killing of Israeli border police superintendent Yosef Tabeja on September 29, 2000 by his Palestinian counterpart during a joint patrol near Qalqilya. See Israel Ministry of Foreign Affairs website at <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Palestinian+terror+since+2000/Victims+of+Palestinian+Violence+and+Terrorism+sinc.htm>.

¹⁴ See, e.g., Lisa Myers, “Proud Terrorist Walking Free,” *Dateline NBC*, September 9, 2005, available at <http://www.msnbc.msn.com/id/9270775>.

Security Organization reportedly continued during the intifada,¹⁵ and reports suggest that they probably remain in existence.¹⁶

Following Arafat's death in 2004 and Mahmoud Abbas's election to succeed him as PA president in 2005, the Bush Administration believed that an opportunity had arrived to achieve progress on Palestinian security reform. To that end, the United States created the office of the U.S. Security Coordinator within the State Department and appointed Lieutenant General William ("Kip") Ward as its first commander. While waiting for funding to arrive, Ward—and Dayton when he succeeded Ward in December 2005—consulted with Israeli and Palestinian authorities in connection with the PA's assumption of responsibility for security in the Gaza Strip following Israel's August 2005 withdrawal.

Plans for the USSC were hampered by the victory of Hamas in 2006 Palestinian Legislative Council elections and the establishment of a Hamas-led government from March 2006 to June 2007. The USSC advised and helped train Presidential Guardsmen loyal to President Abbas during that time—including with respect to border duties and ultimately unsuccessful efforts to stave off Hamas attacks at Gaza's Karni crossing—but, with no budget, the USSC's capabilities were severely limited. There have been reports that arms were supplied to Abbas's forces by Arab states (with Israeli approval) as a result of U.S. facilitation.¹⁷

USSC/INL Mission: 2007-2010

When Hamas's forcible takeover of the Gaza Strip in June 2007 led to the establishment of a more moderate PA government in the West Bank under Prime Minister Salam Fayyad, the way was opened for the United States to provide more substantial overt assistance, coordinated by the USSC and the State Department's INL Bureau. Since then—with approximately \$395 million in U.S. funds reprogrammed or appropriated to INL through the International Narcotics Control and Law Enforcement (INCLE) account (see **Table 1** below for a detailed breakdown)—there has been a rapid expansion in security assistance to the Palestinians to support the PA's Security Sector Reform and Transformation program (part of the 2008-2010 Palestinian Reform and Development Plan that is meant to help the PA meet its Roadmap obligations), particularly for the Ministry of Interior (MoI), the Presidential Guard (PG), and the National Security Forces. For more detailed information on funding for U.S. security assistance to the PA, see CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti.

¹⁵ See Khaled Abu Toameh and Lamia Lahoud, "CIA Training PA Antiterror Force," *Jerusalem Post*, May 27, 2003; John Ward Anderson, "U.S.-Backed Reforms for Palestinians Seem Adrift," *Washington Post*, January 19, 2003.

¹⁶ See Ian Cobain, "CIA working with Palestinian security agents," *guardian.co.uk*, December 17, 2009; Yezid Sayigh, "'Fixing Broken Windows': Security Sector Reform in Palestine, Lebanon and Yemen," Carnegie Endowment for International Peace, October 2009, available at http://www.carnegieendowment.org/files/security_sector_reform.pdf; "Russia Rivals US for Palestinian Security Services Training," *Jane's Intelligence Digest*, September 28, 2007.

¹⁷ See David Rose, "The Gaza Bombshell," *Vanity Fair*, April 2008; "The Proof is in the Paper Trail," *vanityfair.com*, March 5, 2008. Then-Secretary of State Condoleezza Rice had the following response to the *Vanity Fair* reports, which claimed that various U.S. actions, including efforts to procure lethal aid for forces loyal to PA President Abbas from Arab states before June 2007, may have provoked Hamas's takeover of the Gaza Strip: "The idea that somehow Hamas used as an excuse American and international assistance to the PA to do what Hamas has always done, which is to sow chaos, on the face of it, I think, is fairly ludicrous." Glenn Kessler, "Vanity's Fair?" *washingtonpost.com*, March 4, 2008.

U.S. security assistance efforts in the West Bank take place in a context featuring continuing Israeli occupation; Palestinian factional conflict and geographical separation (between the West Bank and Hamas-controlled Gaza); extensive overlap and redundancy among different PA security organizations; a historical lack of centralization; and the provision of security assistance by other international actors, such as the European Union (EU), Russia, and various Muslim-majority countries.¹⁸ The EU is particularly involved with reform and train-and-equip efforts with the Palestinian Civil Police (PCP) and in the criminal justice sector through the EU Police Coordinating Office for Palestinian Police Support (EUPOL COPPS) program headquartered in Ramallah (see “Deployment of U.S.-Sponsored, JIPTC-Trained PA Forces” and “Criminal Justice Sector Reform” below). EUPOL COPPS has indicated to CRS that individual EU member states, plus Norway and Canada, have contributed \$47 million to EUPOL COPPS since June 2008 for specific projects aimed at strengthening and reforming the PCP and the PA criminal justice sector.¹⁹

Due to the involvement of many other actors and the interplay of several variables, judging the impact of U.S. efforts may be difficult. For example, the push since 2007 to heighten West Bank security may have been aided by Hamas’s decision to concentrate resources on consolidating its rule in Gaza, as well as by heightened determination on the part of PA leaders such as President Mahmoud Abbas and Prime Minister Salam Fayyad to improve West Bank security in the wake of Hamas’s Gaza takeover. It may also have been helped by other militants’ calculation that they had more to gain at the time by laying their weapons aside, particularly in light of their weariness following several years of the second intifada and intensified Israeli security operations in the West Bank.

Despite the inability of Israel and the PLO thus far to reach a final-status agreement, U.S. security assistance efforts of the past two years appear to have yielded some favorable results, both in establishing law and order among West Bank populations and in countering terrorism. Still, it is uncertain what lasting value the tactical successes claimed might deliver to the Palestinian people. There is political support for the continuation of USSC/INL’s efforts, although it is possible that the consensus among the United States, Israel, and the PA to continue the USSC/INL mission is intended by each party to advance a political agenda different from the others’.

¹⁸ Russia has provided PA forces with equipment, such as armored personnel carriers, and has reportedly provided, and may continue to provide, training to the Palestinian Preventive Security Organization (PSO) and General Intelligence Service (GIS) forces. See “PA to Get Russian Armored Personnel Carriers,” *IsraelNationalNews.com*, June 3, 2009; Isabel Kershner, “Israel Aids Palestinians with Arms,” *New York Times*, September 6, 2008; “Russia Rivals US for Palestinian Security Services Training,” *Jane’s Intelligence Digest*, September 28, 2007. As of June 2008, PA security forces had active training programs with Yemen, Pakistan, Algeria, Jordan, and Egypt. International security assessment dated June 2008, provided to CRS through U.S. government official.

¹⁹ EUPOL COPPS factsheet provided to CRS, dated December 2009. The factsheet indicates that EUPOL COPPS has a running annual budget of approximately €6 million, largely to cover personnel costs. It has 41 EU, Norwegian, and Canadian staff members—13 of whom work as police advisers and 12 of whom (prosecutors, judges, prison directors, defense lawyers, legal and human rights experts) work in the rule of law section. The mission also employs 25 local (Palestinian) staff. According to CRS correspondence with EUPOL COPPS officials in December 2009, EUPOL COPPS advisors and affiliated trainers from EU member states have provided public order training for approximately 1,000 PCP personnel and criminal investigation training for 400 personnel. EUPOL COPPS officials hope to finalize a comprehensive curriculum for a four-month basic police training course and begin instruction on this curriculum by June 2010. For an analysis of the EUPOL COPPS program, see Esra Bulut, “The EU Police Mission for the Palestinian Territories – EU Coordinating Office for Palestinian Police Support (EUPOL COPPS),” *European Security and Defense Policy: The First 10 Years (1999-2009)*, EU Institute for Security Studies, 2009, pp. 287-298, available at http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf.

During the spring and summer of 2009, tensions between the USSC and the PA (particularly between Dayton and Fayyad) reportedly emerged, partly as a result of public remarks Dayton made in May about the success of PA crowd control measures in the West Bank during the December 2008-January 2009 Gaza conflict (the quote is included below—see “During the Gaza Conflict”).²⁰ The PA believed that these remarks might lead Palestinians to conclude that the PA was indirectly helping the Israelis prosecute the conflict. There were also reports that some might interpret as showing that the PA was concerned about maintaining effective and ultimate control (as well as maintaining the perception that it, and not any outside—particularly U.S.—authority, maintains control) over its internal affairs and the chain of command involving its various security organizations and regional units.²¹ Thus, Dayton’s direct and informal contacts with PA commanders throughout the West Bank were reportedly reduced in favor of more formalized and centralized communications with PA Ministry of Interior and security officials.²² The USSC also lowered its public profile over the last half of 2009.

Yet, at the beginning of 2010, a senior Western official based in the region told CRS that the working relationship between the USSC and the PA remained intact and that INCLE security and criminal justice sector assistance programs continue and have been expanded with PA support.²³ Integrating the USSC/INL mission’s efforts with the overall political effort to resolve the Israeli-Palestinian conflict is the responsibility of Special Envoy George Mitchell and his staff, with assistance from the State Department’s Bureau of Near East Affairs.

Future Prospects

Whether the United States can help the PA build its capacity to further consolidate its separate security organizations under unified, defactionalized civilian control that is accountable to rule of law and to human rights norms is an open question. At the same time, the United States will be challenged to persuade the Israelis that permitting increased freedom and exclusivity of operation for the PA forces will not compromise Israeli security. Despite the successes claimed, the extent to which U.S. efforts have contributed to the PA’s competencies (which remain disputed) to establish the rule of law and to permanently and comprehensively neutralize and dismantle militant and terror networks remains unclear. Some believe that much of the success thus far could be largely attributable to factors other than the efforts of the USSC/INL and EUPOL COPPS programs. These factors could include the willingness of PA Prime Minister Salam Fayyad and PA President Mahmoud Abbas to deploy security forces more assertively in the West Bank in the wake of the 2007 Hamas takeover of Gaza.²⁴ They could also include security operations by the intelligence organizations within the PA security structure—the PSO and the General Intelligence Service (GIS, also known as the Mukhabarat).²⁵ The PSO and the GIS do not

²⁰ See Sayigh, op. cit.

²¹ Ibid. See also Mohammed Najib, “Palestinian Authority seeks changes in security training,” *Jane’s Defence Weekly*, August 5, 2009.

²² See Sayigh, op. cit.

²³ CRS correspondence with senior Western official in the region, January 2010. New training programs (see “U.S. Training Assistance to PA Forces”) include those for PA Civil Defense personnel and for intermediate leaders throughout the PASF (i.e., majors and captains).

²⁴ PA spokesman Brig. Gen. Adnan Damiri said, in August 2009, “We have conducted our security campaigns to restore law and order in the West Bank without [Dayton’s] battalions.” Najib, “Palestinian Authority seeks changes in security training,” op. cit.

²⁵ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 17, (continued...)

participate in USSC-overseen training from INCLE funds—except in Senior Leaders courses (see “Substance of Training” below)—and are criticized for alleged human rights violations for their treatment of prisoners and interrogation methods.²⁶ Another major factor that might account for security successes in the West Bank thus far is operational and intelligence support from Israel.²⁷

Some are concerned that it is hard to discern whether the PA forces’ targeting of Hamas members is better characterized as a professional security effort by a nascent state-building institution to rein in militants who operate outside of the law, or as a means of political leverage for PA President Abbas and his associates against factional opponents such as Hamas.²⁸ According to reported figures from the Independent Commission for Human Rights, an ombudsman organization for the PA, over 400 people arrested “primarily for reasons of political affiliation” were in detention in the West Bank as of May 31, 2009.²⁹ Some analysts have asserted that the process of PA security reform being led by Prime Minister Fayyad is at least partly aimed at neutralizing Fatah (Abbas’s political movement and Hamas’s main rival) partisans within and/or outside of the security forces.³⁰ This could be a helpful development if it is seen primarily as a move toward greater defactionalization, but could exacerbate infighting within the security forces and government if efforts to reduce Fatah’s profile are seen as driven by personal political agendas. In this light, it is unclear whether the May 2009 replacement of PA Interior Minister (the cabinet minister with direct responsibility for security matters) Gen. Abdel Razeq al Yahya with Abbas loyalist and experienced bureaucrat Said Abu Ali in the new Fayyad-led PA government might be more accurately characterized either as progression toward greater civilian control³¹ or as sliding back toward greater factionalism (replacing a relatively apolitical minister with a partisan from Fatah).³²

There also are obstacles and challenges to comprehensive reform and consolidation of the security organizations (i.e., corruption, personal loyalty and patronage networks, potential

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2009.

²⁶ See Howard Schneider, “A Deadly Palestinian Divide,” *Washington Post*, September 19, 2009; Ghandi Rabie’, “The Detention of Civilians by Palestinian Security Agencies with a Stamp of Approval by the Military Judicial Commission,” Independent Commission for Human Rights (ICHR), December 2008, available at <http://www.ichr.ps/pdfs/eSP64.pdf>. ICHR is a PA human rights ombudsman organization established by then-PA President Yasser Arafat in 1993. See also Human Rights Watch, *Internal Fight: Palestinian Abuses in Gaza and the West Bank*, July 2008, available at http://www.hrw.org/sites/default/files/reports/iopt0708_1.pdf; International Crisis Group, *Palestine Divided*, op. cit.

²⁷ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 17, 2009.

²⁸ See Leslie Susser, “Fatah Girds Up for Hamas,” *Jerusalem Post*, October 12, 2008; “Reconciliation Delayed Yet Again,” *Economist*, July 31, 2008; Joshua Mitnick, “Fugitives from the PA,” *Jerusalem Report*, December 8, 2008; Najib, “Palestinian Security Forces Must Aspire to Serve the State,” op. cit.

²⁹ The Report of the U.N. Fact Finding Mission on the Gaza Conflict (aka The Goldstone Report), dated September 25, 2009, available at <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>.

³⁰ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 19, 2009. Some elements within or loosely affiliated with Fatah have traditionally participated in militias outside of the formal PA security structure, including the Al Aqsa Martyrs’ Brigades (AAMB), which formed during the Al Aqsa *intifada* and is a U.S.-designated Foreign Terrorist Organization. Most reports, however, indicate that Fatah militias are no longer openly challenging the PA’s security primacy in the West Bank.

³¹ Ibid.

³² Arnon Regular, Roadmap Risk Assessment Newsletter: Inside the Palestinian Authority – Analysis of Events and Trends, Jerusalem, May 17-23, 2009.

infiltration by militants³³), and outstanding concerns over translating short-term success with security into political progress in negotiating with Israel for peace and a Palestinian state. For example, some believe that U.S.-sponsored PA security reform is a necessary precondition for bringing about a Palestinian state at peace with Israel, but also believe that a Palestinian consensus or unity government including Hamas—which could potentially reunite the West Bank and Gaza under credible, unified leadership—is necessary. The pursuit of either of these goals could make the other one less likely to achieve,³⁴ largely because of the sensitivity of addressing the question of how Hamas’s militia and security forces for Gaza might coexist with or be integrated into the PA security forces.³⁵

Some observers might say that the PA forces’ task is too formidable—with or without security assistance from the United States or other international donors. These observers’ skepticism about continued U.S. security assistance might stem from their perception of the limitations, restrictions, conditions, and disadvantages the forces face under continued Israeli occupation; or from a concern that security assistance to the PA might contribute to future violence—either among Palestinian factions or between Israelis and Palestinians. They may prefer either to have the PA depend on itself or third parties for assistance or to transfer primary security responsibility in the West Bank to an international peacekeeping force.³⁶

PA Security Organizations

Overview

Currently, there are five separate organizations that constitute the Palestinian Authority Security Forces (PASF): the National Security Forces (which includes an autonomous military intelligence branch), the Palestinian Civil Police, the Preventive Security Organization, the Presidential Guard, and the General Intelligence Service (see **Figure 2** below).³⁷ According to the State

³³ See Mohammed Najib, “PA Security Forces Face Steep Climb to Reform,” *Jane’s Defence Weekly*, May 14, 2009. This article claims that a PA military intelligence report suggested that “over the first half of 2008 Hamas tried 139 times to infiltrate the PA security apparatus” and that in 2009, the General Intelligence Service discovered that “Hamas had recruited a number of high ranking officers to provide concrete intelligence about the top PA political and security leaders.”

³⁴ See Susser, op. cit.

³⁵ See International Crisis Group, *Gaza’s Unfinished Business*, Middle East Report No. 85, April 23, 2009, available at http://www.crisisgroup.org/library/documents/middle_east___north_africa/arab_israeli_conflict/85_gazas_unfinished_business.pdf.

³⁶ See, e.g., Daniel Levy and Amjad Atallah, “Bibi’s Baby Step: What Next After Netanyahu’s Speech?,” *Huffington Post*, June 15, 2009. The practicality of an international peacekeeping force has been challenged by those skeptical that such a force might have the capacity and the willingness to constrain parties determined to foment violence, pointing to the limited effectiveness of previously-organized international missions in the region, such as UNIFIL in Lebanon. See J.D. Crouch, Montgomery C. Meigs, and Walter B. Slocombe, *Security First: U.S. Priorities in Israeli-Palestinian Peacemaking*, Washington Institute for Near East Policy, December 2008, available at <http://www.washingtoninstitute.org/pubPDFs/StrategicReport01.pdf>. Moreover, the composition and mandate of a potential international peacekeeping force is a matter of vigorous debate. For example, Arab states wary of having responsibility for the Palestinians gradually passed to them by Israel—particularly Jordan and Egypt—have resisted calls for more direct involvement in security matters in the Palestinian territories.

³⁷ Technically, there is a sixth—the Civil Defense force responsible for emergency first response to fire and medical emergencies and natural disasters—but it does not fulfill traditional security or policing functions. The State Department reports that “In the Gaza Strip, HAMAS has established separate internal intelligence, police, coastal (continued...)”

Department's 2008 Country Report on Terrorism for the West Bank and Gaza, all of them are "under the Interior Minister's operational control and follow the Prime Minister's guidance."³⁸ However, a June 2008 international security assessment provided to CRS through a U.S. government official indicated that the PG and the GIS remain subordinate to the PA president, and that the president and Ministry of Interior each maintain a form of direct command over the PSO.³⁹ An October 2009 statement by the NSF commander, Major General Diab al Ali (also known as "Abu Fatah"), indicates that the PA president retains ultimate control over the NSF and other PASF branches: "The [NSF] coordinates with the Interior Ministry but falls under the command of Palestinian President Abu Mazen [Mahmoud Abbas], supreme commander of our security forces."⁴⁰ Therefore, solidifying fully integral command and control within the MoI is an aspiration that has not been fully realized.

The Roadmap contemplates having three organizations—NSF, police, and intelligence—under the common authority of the MoI.⁴¹ Some might assert that the United States has sent conflicting signals on this issue—encouraging consolidation pursuant to the Roadmap from 2003-2006 and again from June 2007 through the present, but encouraging President Abbas to bypass the MoI in his direct command of key security forces when Hamas controlled the government from 2006 to 2007. In October 2008, Abbas removed GIS chief Gen. Tawfiq al Tirawi from his position,⁴² and subsequently the PA announced that the GIS would merge into the PSO,⁴³ although this has not yet occurred and the timetable for the merger remains unknown.

(...continued)

patrol, border guard, and 'Executive Force' organizations. HAMAS military-wing members were often integrated into their ranks." U.S. Department of State, Country Reports on Terrorism 2008, op. cit. Hamas, which still has a majority of the members of the Palestinian Legislative Council, maintains that it presides over the "true" Palestinian Authority in Gaza, and, accordingly, that the security forces it commands in Gaza are the "true" PA security forces. For additional information on Hamas rule in Gaza, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

³⁸ U.S. Department of State, Country Reports on Terrorism 2008, op. cit.

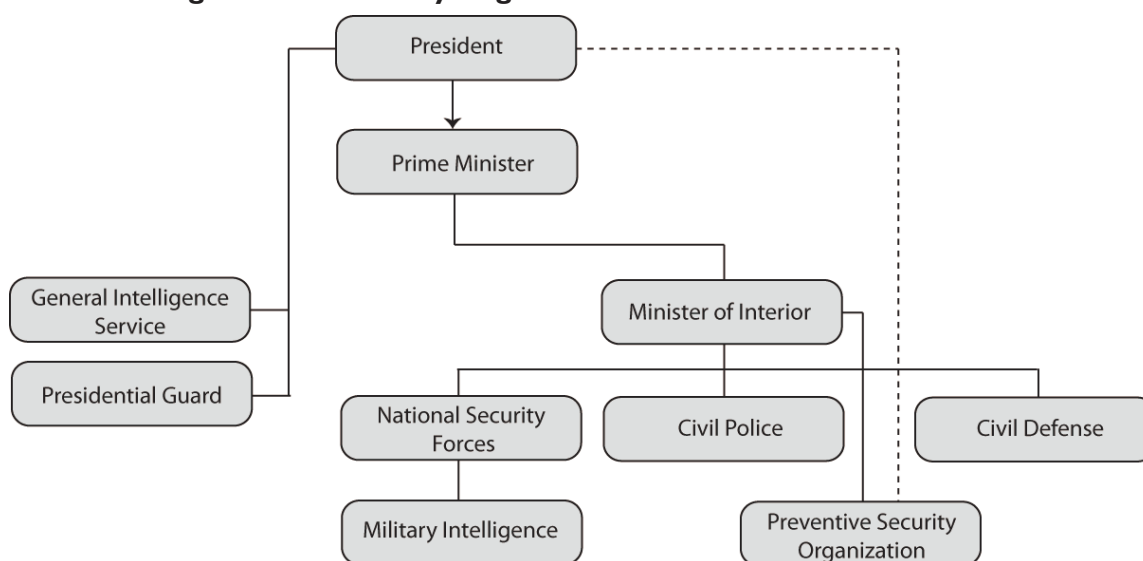
³⁹ International security assessment, op. cit.

⁴⁰ "Maj. Gen. Diab el-Ali: Commander, Palestinian National Security Forces," *DefenseNews*, October 19, 2009.

⁴¹ Ibid.

⁴² "Palestinian Intelligence Chief Sacked," *Agence France Presse*, October 22, 2008.

⁴³ Ashraf al Hur, "Abbas Holding Consultations to Appoint New Commander for a 'Public Security' Service That Will Replace the Intelligence and Preventive Security Services. Decision Postponed So Far Due to 'Administrative Problems,'" *Al Quds al Arabi Online*, December 3, 2008, Open Source Document GMP20081203825002 (Translation from Arabic into English).

Figure 2. PA Security Organizations and Command Structure

Source: International security assessment dated June 2008, provided to CRS through U.S. government official

The PASF are deployed throughout 10 of the 11 West Bank governorates (for PA security purposes, there are only nine governorates—Jenin and Tubas are combined, and there is no official Palestinian security presence in the Jerusalem governorate over which the PA claims authority). Of these governorates, Jenin, Nablus, Hebron, and Ramallah are designated as priority areas, and, as a result, generally have greater security presences than the others.⁴⁴ See **Figure 1** above for a map of West Bank governorates and of zones of PA security responsibility (so-called “Area A” under the Oslo agreements).

“Policing Primacy”

The question of “policing primacy,” or of which organization bears the most visible and/or primary responsibility for law and order in the West Bank, remains an ambiguous one. The National Security Forces (with approximately 8,000 active personnel), the organization that receives the greatest amount of training and other resources as a result of U.S. INCLE assistance, is considered by many Palestinians to be analogous to a national army—housed in barracks, classified by military rank, and subject to a military-style command structure. NSF commander Diab al Ali has characterized the NSF’s mission as follows: “We’re building a force to defend our people, and also to help the Palestinians build a nation.”⁴⁵ Each NSF area commander heads all PA security operations in his respective governorate.⁴⁶ The Presidential Guard also is structured according to a military-style model. Nevertheless, the PG’s main purposes are to protect the PA president and other VIPs, to respond to crises, and to protect official PA facilities.

However, because neither the NSF nor the PG personnel possess the legal authority to make arrests when tasked with law-and-order missions, they generally operate as strategic reinforcements and force protection for the organizations empowered to make arrests—the

⁴⁴ Ibid.

⁴⁵ *DefenseNews*, op. cit.

⁴⁶ International security assessment, op. cit.

Palestinian Civil Police (with approximately 7,200 active personnel) and the two intelligence organizations (the PSO and the GIS, which are less visible than the PCP and NSF in day-to-day law and order tasks). Some analysts believe that the arrest powers of the intelligence organizations (given their alleged loose regard for due process) undermine the PCP's opportunity to become the most influential organization in shaping public perceptions about the PASF.⁴⁷

How U.S. Efforts Are Coordinated

The USSC is a multinational organization of military officers and civilians with a core staff of approximately 45 personnel—16 Americans based at the U.S. consulate general in Jerusalem and approximately 29 Canadians, Britons, and Turks based in Jerusalem and Ramallah.⁴⁸ One of the advantages of having non-U.S. persons among the USSC staff is that they are not subject to the same limitations on travel to and within the West Bank that Americans working for the U.S. government face.⁴⁹

INCLE funding for security assistance for security and criminal justice sector assistance to the PA comes from the INL Bureau. INL maintains an office in the Jerusalem consulate (approximately 12 persons, including a contractor based in Jordan) staffed by one foreign service officer, four contractors, and seven foreign service nationals (generally, local resident Palestinians employed by the State Department).⁵¹ INL coordinates its activities and funding decisions with the USSC. Historically, INL is largely known for its work assisting Latin American countries and Afghanistan and Pakistan with their counternarcotics capabilities. INL's involvement in the West Bank is part of a trend over the past five years for INL to expand beyond counternarcotics assistance to more general assistance for the internal security forces of Middle Eastern countries (such as Iraq and Lebanon⁵²).

Contractors working in concert with USSC/INL are hired by INL to staff Mobile Training Teams (MTTs) and to staff the Strategic Planning Directorate (SPD), an office created in 2007 with the intent that it would spearhead strategic planning tasks for the Palestinian Ministry of Interior to prepare it to help reform, strengthen, and assert consolidated civilian control over the PASF.⁵³ The U.S.-based

INCLE Assistance Top Recipients (FY2010)⁵⁰

Afghanistan (\$420 mil)
Colombia (\$249 mil)
Mexico (\$190 mil)
Pakistan (\$130 mil)
West Bank/Gaza (\$100 mil)
Iraq (\$52 mil)
Peru (\$40 mil)

⁴⁷ See Sayigh, op. cit.

⁴⁸ CRS correspondence with senior Western official in the region, December 2009.

⁴⁹ See U.S. Department of State, Bureau of Consular Affairs Travel Warning: Israel, the West Bank and Gaza, March 19, 2008: "American U.S. Government personnel and their dependents are prohibited from traveling to any cities, towns, or settlements in the West Bank, except when they are on mission-essential business or are traveling for other Mission-approved purposes," available at http://travel.state.gov/travel/cis_pa_tw/tw/tw_922.html; Anthony Cordesman, "Bolstering Palestinian Security Forces: A Key to Stability," *International Herald Tribune*, July 23, 2008.

⁵⁰ See Consolidated Appropriations Act, 2010 (P.L. 111-117), as clarified by the joint explanatory statement in H.Rept. 111-366. Amounts stated for each country are approximate and only reflect amounts appropriated directly to the respective countries.

⁵¹ CRS correspondence with INL officials in the region, January 2010.

⁵² P.L. 111-117 appropriated \$52 million in FY2010 INCLE assistance for Iraq and \$20 million for Lebanon.

⁵³ U.S. Department of State document: *Scope of Work for Palestinian Authority Security Sector Transformation Program Task Order*.

company DynCorp International is the primary contractor in charge of training, strategic planning, and equipment delivery.⁵⁴ Approximately 22 U.S. and foreign law enforcement and security training specialists work on the MTTs.⁵⁵ Approximately seven U.S. and foreign technical advisors—with expertise in subjects such as national security and Middle Eastern affairs, strategic planning and organizational development, contracts and grants, procurement and logistics, and finance⁵⁶—have been hired to support the SPD and MoI in the PA’s West Bank seat in Ramallah.⁵⁷

USSC/INL and its associated contractors are available to consult with PA security officials on recruitment, strategic planning, and deployment issues. The most significant U.S.-sponsored training efforts for the PASF are carried out by Arabic-speaking Jordanian Public Security Directorate police trainers, assisted by the Mobile Training Teams, at the Jordan International Police Training Center.⁵⁸ Contractors also furnish U.S.-funded and supplied non-lethal equipment to the PG and NSF with Israeli approval, and this equipment is subject to end-use monitoring (see “Equipment” below). In addition, some INCLE assistance is being used to construct training facilities and bases for the PG and the NSF in the West Bank (see “Facilities” below). See **Table 1** below for a breakdown of how the \$295 million in funds directed to the INCLE account from FY2007-FY2009 have been apportioned (an additional \$100 million—bringing the FY2007-FY2010 total to \$395 million—were appropriated for FY2010 in December 2009 pursuant to the Consolidated Appropriations Act, 2010 (P.L. 111-117), but have not been officially apportioned).

Table 1. INCLE Assistance for the Palestinian Authority (FY2007-FY2009)

(current year \$ in millions)

Item	FY2007 ^a	FY2008	FY2009	Total
Total Appropriated	86.4	25	184	295.4
Security Force Training	28.6	12	78.1	118.7
Non-Lethal Equipment	22.6	13	37	72.6
Construction of Facilities	18.6	-	49.4	68
Ministry of Interior	6	-	7.5	13.5
Criminal Justice Reform	-	-	2	2
Egypt – Border Enhancement	-	-	3	3

⁵⁴ CRS conversations with U.S. Department of Defense official, September 11, 2008, and with U.S. Department of State official, September 18, 2008.

⁵⁵ CRS conversation with U.S. Department of Defense official, September 11, 2008; see Department of State & USAID, *Supplemental Appropriations Spending Plan, Fiscal Year 2008*, August 2008. The Office of Civilian Police and Rule of Law Programs within the Bureau of International Narcotics and Law Enforcement Affairs (INL/CIV), which is responsible for the contractors, reportedly requires DynCorp to maintain a comprehensive personnel system that includes bi-yearly performance appraisals and periodic status reports, to submit performance measures and an implementation plan for approval, and to prepare and submit weekly situation reports and bi-weekly financial reports. All MTT contractors reportedly receive pre-deployment training in teamwork/leadership skills, Palestinian culture and history, human rights, coping skills, and stress management. U.S. Department of State *Scope of Work* document, op. cit.

⁵⁶ U.S. Department of State *Scope of Work* document, op. cit.

⁵⁷ CRS correspondence with consultant working with the USSC, September 20, 2008.

⁵⁸ JIPTC was built in 2003 with U.S. funds. Its original purpose was to train Iraqi police officers.

Item	FY2007 ^a	FY2008	FY2009	Total
Program Administration	10.6	-	7	17.6

Source: U.S. Department of State

Notes: All amounts are approximate. Does not include \$100 million approved for FY2010 by Congress in December 2009 pursuant to the Consolidated Appropriations Act, 2010 (P.L. 111-117), as clarified by the joint explanatory statement in H.Rept. 111-366.

- a. This amount was reprogrammed by President Bush from prior-year funding into the INCLE account in January 2007. For further details, see CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti.

U.S. Training Assistance to PA Forces

Forces Being Trained

\$118.7 million (see **Table 1** above) have been apportioned toward U.S.-sponsored training activities for the PASF. In addition to the JIPTC training, some funding goes toward focused training courses for the PG.⁵⁹ The USSC also plans to train PA Civil Defense personnel (first responders such as firemen, paramedics, and hazardous materials remediation experts) in 2010.⁶⁰

U.S.-sponsored “gendarmerie-style” training at JIPTC is generally supplied to newly-formed NSF Special Battalions constituted from recruits culled from various West Bank regions. These special battalions are to form the vanguard of the NSF, to be deployed as strategic reserves and reinforcements wherever needed.⁶¹ However, the first two battalions to complete training at JIPTC were the existing PG Operations & Support Battalion (PG 3rd) (about 400 men) from February-March 2008, and the NSF 2nd Special Battalion (about 700 men)—made up of existing NSF troops—from February-May 2008. The NSF 3rd and 4th Special Battalions were the first two battalions to be trained that consisted entirely of new recruits—500 each. The NSF 3rd was trained from September-December 2008, and the NSF 4th from February 2009-June 2009. The NSF 1st (another existing battalion of over 500 men) completed training in December 2009, and the NSF 5th (another battalion of about 500 new recruits) is set to be the fifth NSF battalion and sixth PASF battalion overall to begin U.S.-funded training at JIPTC (training is expected to begin in early 2010).

In the long term, Dayton envisions that ten NSF battalions can be trained in Jordan—one for each of the nine governorates designated for official PA security purposes, and one as a strategic reserve.⁶² There are questions about whether approximately 5,000 new U.S.-sponsored, JIPTC-trained NSF troops, alongside existing PA security forces, could be sufficient to maintain order and dismantle militant/terror networks in the West Bank (with its population of approximately 2.5 million). There is also the question of whether 5,000 new NSF troops are likely to be in harmony with the concept of a “demilitarized Palestinian state” presented by Israeli Prime Minister Benjamin Netanyahu in his June 2009 speech at Bar-Ilan University in Tel Aviv.⁶³ As mentioned

⁵⁹ Information provided to CRS by U.S. Department of State, op. cit.

⁶⁰ CRS correspondence with senior Western official in the region, December 2009.

⁶¹ Information provided to CRS by U.S. Department of State, op. cit.

⁶² CRS correspondence with senior Western official in the region, June 2009.

⁶³ “Full Text of Netanyahu’s Foreign Policy Speech at Bar Ilan” (Translated from Hebrew into English), *Ha’aretz*, June 14, 2009.

above, some Palestinians, including PASF commanders, may view the NSF as more of a “proto-army” than as law-and-order gendarmes,⁶⁴ despite the fact that the United States provides only non-lethal equipment and Israel only allows PA forces to possess “light arms.”⁶⁵ Continued ambiguity regarding the true nature of the NSF could be problematic for its future coordination with Israeli counterparts, for its stance vis-à-vis Hamas-controlled forces in Gaza, and for its simultaneous amenability to (1) reform under accountable, defactionalized civilian control and (2) progression in counterterrorism capabilities.

Trainee Recruitment and Vetting

In early 2008, the PA instituted a financially attractive early retirement scheme meant to sift out less-motivated and undesirable officers and to free up places for new recruits for the PG, the NSF, and the police. By the end of March 2008, approximately 6,000 officers left the PA security forces under this scheme, aiding recruitment efforts for new battalions.⁶⁶ Over 3,500 additional personnel have reportedly retired since then.⁶⁷

Becoming a member of the PASF provides the promise of steady employment to many young men in the West Bank. Thus, there has been high demand when recruiting calls have gone out. USSC officials believe that the competition allows the new battalions to select top-notch recruits.⁶⁸

All troops, new or existing, are vetted before they are admitted to U.S.-sponsored training courses at JIPTC. The State Department has said:

[Potential trainees’] names [are run] through various data bases at post and in Washington for potential foreign terrorist organization affiliation and for gross human rights violations [so-called “Leahy Amendment vetting”]. If the Department finds credible evidence that members of the NSF or PG ... have committed gross violations of human rights or have been affiliated with terrorist organizations, then those members are excluded from the training.⁶⁹

The names also are checked against data maintained by the Israel Security Agency (commonly known as the Shin Bet) and Israel Police, the Jordanian government, and the Palestinian Authority to guard against the recruitment of any with criminal records or terrorist backgrounds or links. According to a senior Western official in the region, less than 4.4% of new recruits are turned away.⁷⁰ The average age of new recruits is 20 to 22.⁷¹

⁶⁴ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 19, 2009, and with U.S. analyst from major think tank with years of government, NGO, and private sector experience in the region, June 19, 2009.

⁶⁵ See, e.g., Yaakov Katz, “Dispute Holds Up APC Transfer to PA,” *Jerusalem Post*, June 16, 2009.

⁶⁶ International security assessment, op. cit.

⁶⁷ CRS conversation with senior Western official in the region, December 2009.

⁶⁸ CRS conversation with senior Western official in the region, April 2009.

⁶⁹ Information provided to CRS by U.S. Department of State, op. cit.

⁷⁰ CRS conversation with senior Western official in the region, April 2009.

⁷¹ See transcript of speech by Lieutenant General Keith Dayton, Washington Institute for Near East Policy Soref Symposium, Washington, DC, May 7, 2009, available at <http://www.washingtoninstitute.org/html/pdf/DaytonKeynote.pdf>.

Substance of Training

New recruits and newly-formed battalions generally undergo basic training at PA facilities in or around Jericho, then travel to JIPTC for 19 weeks of U.S.-sponsored training. The curriculum is provided by INL with input from the USSC, the Jordanian Public Security Directorate, and PA security officials.⁷² By arranging for the new Palestinian recruits to leave the West Bank for four months of training at JIPTC, USSC officials believe that they provide a unique environment—away from the family, clan, and factional affiliations of home as well as from the indicia of Israeli occupation—that fosters cohesion, morale, and a willingness to embrace professionalism, discipline, and non-chauvinistic Palestinian patriotism over politicization.⁷³ An added benefit of training in Jordan is that trainees are permitted to use firearms (which are supplied by Jordan during the training, but not taken back to the West Bank by trainees afterwards) without Israeli restriction or limitation. Nevertheless, some PA officials have reportedly stated that the benefits of training in Jordan are not necessarily worth the costs, which they claim are several times greater than they would be if training were held within the West Bank.⁷⁴ However, moving training from JIPTC does not appear to be planned for the immediate future.

Specialized courses also are offered at JIPTC and in the West Bank, usually immediately before or after basic training. Some of these courses train entire platoons in a particular set of skills, while others are meant to diffuse specialized knowledge throughout the battalion.⁷⁵

Additionally, since October 2008, multiple two-month Senior Leaders courses have been held in Ramallah, with additional courses planned on a continuing basis. Each U.S.-funded course features training from international contractors (the commandant who leads the training is a Palestinian major general from the NSF), and trainees include 36 commanding officers (with the rank of major, lieutenant colonel, and colonel). These officers come from all PA security organizations, including the PSO and GIS, which—as mentioned above—have been criticized for alleged inattention to and/or disregard for human rights norms. All senior leaders participating in the courses undergo vetting for human rights, terrorist links and criminal records in the same manner as the PA forces undergoing training at JIPTC (see “Trainee Recruitment and Vetting” above), except that the Jordanians do not participate in this particular vetting process. Similar courses for intermediate leaders (i.e., majors and captains) are beginning in January 2010. Additionally, junior officers for each NSF battalion go through one month of training in basic leadership skills at JIPTC before the four-month general training program begins. By training key leaders across the PA security system, USSC/INL hopes that the impact of its efforts to impart important skills and a commitment to discipline, rule of law, and human rights can be maximized

⁷² The 19-week basic training course provides instruction in the following skill sets: supply and logistics management, tactical training (to include a range of subjects), rapid reaction, crowd control, civil disorder management, tactical police response in high risk environments, cordons, basic administrative and personnel management/reform, organizational operations and planning, agency command and management, first line supervision, unarmed defensive tactics, basic patrol operations, high risk arrest, human rights, communications, basic medical, standard operating procedures, ethics/human rights, command and control, discipline, law enforcement intelligence gathering, physical fitness, border security, and security at crossing points. U.S. Department of State *Scope of Work* document, op. cit.

⁷³ See David Horowitz, “Editor’s Notes: This Time, It Will Be Different,” *Jerusalem Post*, December 15, 2008. In this interview, Dayton said, “The [Palestinian leaders] emphasize in the training in Jordan: ‘You are loyal not to a clan, not to a family. Not even to a political movement. You are loyal to the Palestinian flag and you are going to build a state if you do it that way.’”

⁷⁴ See Najib, “Palestinian Authority seeks changes in security training,” op. cit.

⁷⁵ International security assessment, op. cit.; Information provided to CRS by U.S. Department of State, op. cit.

through the leaders' top-down transmission of these principles. Yet, upon finishing the Senior Leaders course, the individual trainees are returned to their respective organizations, each of which have ingrained institutional cultures that may in turn influence them. Many of the trainees have been assigned to positions in areas deemed crucial to the PA's law-and-order and counterterrorism efforts.⁷⁶

U.S. Equipment and Facilities Assistance

Equipment

\$72.6 million worth of non-lethal equipment assistance from the State Department have been apportioned for PG and NSF troops (see **Table 1** above). The equipment furnished by DynCorp includes "uniforms, field gear (tents, tarps, canteens, etc), vehicles, surveillance equipment [(scopes and binoculars)], first aid/medical gear, riot control gear, computers and other standard items."⁷⁷

The equipment is subject to specific controls to ensure that the contractor carries out procurement and delivery securely.⁷⁸ Additionally, the equipment is subject to end-use monitoring (EUM) to make sure it is used "by the intended recipients for its intended purposes," described as follows by the State Department:

The Department has signed a Letter of Agreement with the Palestinian Authority that provides the US Government the right to examine the property we provide the PA and to inspect the records that govern its use and management. We have also provided the PA with hardware, software, and training to implement and maintain an automated inventory system that they have begun to use to record and track the delivery and disbursement of US-supplied equipment. Finally, we have provided follow-up guidelines to post instructing it to conduct a comprehensive annual EUM survey that, among other things, will result in an inventory of this equipment, an assessment of its condition and status, and an explanation if any equipment cannot be accounted for.⁷⁹

To ensure the effectiveness of EUM practices, the contractor reportedly provides on-site oversight and training at time of delivery to the PA representatives responsible for cataloguing the various equipment items, and reportedly directs two people to act as "procurement mentors" to assist with procurement, delivery system management, and cataloguing.⁸⁰

As a rule, no equipment is provided to PA forces without prior approval by Israel. For example, flak jackets were delivered to PA forces in August 2008 following Israeli approval. They had previously been withheld due to Israeli government concerns that allowing PA forces to have protective gear might increase their willingness to attack Israelis.⁸¹ Delays in furnishing

⁷⁶ CRS correspondence with senior Western official in the region, June 2009.

⁷⁷ *Supplemental Appropriations Spending Plan, Fiscal Year 2008*, op. cit.; Information provided to CRS by U.S. Department of State, op. cit.

⁷⁸ U.S. Department of State *Scope of Work* document, op. cit.

⁷⁹ Information provided to CRS by U.S. Department of State, op. cit.

⁸⁰ U.S. Department of State *Scope of Work* document, op. cit.

⁸¹ See "Israel Gives U.S. Green Light to Supply PA Police with Flak Jackets," *Reuters*, August 13, 2008.

equipment to the PA forces have caused frustration for international security assistance providers—such as Colin Smith, the former head of EUPOL COPPS.⁸²

In his October 2009 *DefenseNews* interview, NSF commander Diab al Ali asserted that the NSF needed more equipment and light arms in order to carry out its mission: “We need vehicles, communication gear, and most importantly, we need personal weapons for each soldier. Right now, we have one weapon for every five soldiers, and we sometimes have to fight with our hands.”⁸³ He said that Israel had confiscated most of the PASF’s weapons during the second intifada, and that Hamas gained possession of many of their remaining weapons, presumably when it seized control over Gaza. He said further that “whatever weapons we do receive from Jordan, Egypt and other places must be approved by the Israelis, and they are not in a hurry to provide for our needs.”⁸⁴ As stated above, USSC/INL and its associated contractors do not provide the PASF with weapons of any kind. The following exchange between Al Ali and his interviewer gives voice both to those who are reluctant to arm the PASF because of concerns that the weapons might fall into the wrong hands or be turned on Israel, and to PA officials who believe that the PASF cannot neutralize factions and terrorists if personnel lack access to firearms and ammunition that are standard issue for other countries’ forces:

Q. Considering the ease with which Hamas overran Fatah forces in Gaza back in 2007, can you blame the Israelis for being cautious? How can you ensure that weapons and the operational know-how you are acquiring won’t again fall into the hands of Hamas?

A. If people want to think this way, we will have nothing. A good security force needs to be supplied with basic needs and also heavy equipment. I am not afraid that anything will fall into the hands of Hamas. The most they might do is try to penetrate into our groups, but this is not a great threat, and I think we will find them out in the end.⁸⁵

Facilities

U.S. INCLE funds (\$68 million – see **Table 1** above) also have been apportioned for ongoing construction of training facilities and NSF barracks in the West Bank. The Presidential Guard College, a training center in Jericho that has the capacity to train 700 troops, opened in early 2009 (built at a cost of \$10.1 million through the U.N. Office for Project Services (UNOPS)).⁸⁶

⁸² In December 2008, Smith said, “It is always difficult to bring in equipment. The EU has many rules and also Israel has many rules. Delay is extremely frustrating.” “EU’s Palestinian Police Training Unit Having a Tough Time,” *New Europe*, December 17, 2008.

Israel reportedly has blocked or delayed the PA’s importation of lethal equipment provided by other countries. It reportedly has refused to allow the PA to take delivery of 50 Russian armored personnel carriers until the carriers’ heavy machine guns are removed, despite the PA’s insistence that it needs the guns to “effectively crack down on Hamas.” Yaakov Katz, “Dispute Holds Up APC Transfer to PA,” *Jerusalem Post*, June 16, 2009. It is unclear whether Israel’s objection to the PA forces having anything but “light arms” is absolute or might be subject to change if continued progress in countering militant/terror networks is shown.

⁸³ *DefenseNews*, op. cit.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ethan Bronner, “U.S. Helps Palestinians Build Force for Security,” *New York Times*, February 26, 2009; Center for American Progress, Middle East Bulletin, April 7, 2009.

Additional facilities under construction are being built by Palestinian contractors under INL and PA supervision. The Nuweimeh training facility for the NSF in Jericho is located on a site that the PA hopes to develop into a larger PASF “academy” (including a PCP training facility) with capacity to train 2,000 personnel. NSF barracks in Jericho have been partially completed and are already in use, with additional capacity expected in 2010.⁸⁷

NSF barracks are also being constructed for Jenin and are planned for the other PA governorates (other than Jerusalem). One factor delaying the construction of these barracks is gaining approval from Israel to build in so-called “Area B” zones (see **Figure 1** above), which PA officials believe to be necessary because of a lack of proper construction space in most “Area A” zones.⁸⁸

According to Israeli officials, discussions on this subject are ongoing between Israel and USSC/INL.⁸⁹

Deployment of U.S.-Sponsored, JIPTC-Trained PA Forces

Perhaps the best measure of U.S. training assistance offered to PA security forces is how the battalions receiving training have performed. Most notable have been efforts made by U.S.-sponsored, JIPTC-trained PA forces (National Security Forces and Presidential Guard) in cities such as Jenin and Hebron, and these forces’ participation in PA operations to permit but regulate demonstrations held in the West Bank during the December 2008-January 2009 Gaza conflict between Israel and Hamas. A July 2008 International Crisis Group report stated that Nablus and Jenin, “which once stood as archetypes of security dysfunction[,] have come to exemplify progress against criminality.”⁹⁰ U.S.-sponsored, JIPTC-trained forces in the West Bank also have participated in the apprehension or killing of militants and conspirators affiliated with U.S.-designated Foreign Terrorist Organizations such as Hamas and Palestinian Islamic Jihad. Palestinian Civil Police trained through the EUPOL COPPS program have joined the U.S.-sponsored, JIPTC-trained forces in many of their operations.

Jenin, Hebron, Qalqilya, and Other Key Areas

The PA’s campaign to establish law and order in areas under its control began most visibly in Nablus in November 2007,⁹¹ but the first major test case for the U.S.-sponsored PA forces was the PG 3rd Battalion’s role in the Jenin operation from May-June 2008, code named “Operation Hope and Smile.” Partly by virtue of its JIPTC training, the PG 3rd—a battalion of approximately 400 men normally headquartered in Ramallah—was designated as the specialized counterterrorism unit within the PG and as a strategic reserve for all other PA forces.⁹²

⁸⁷ Information received from U.S. contractors and PA officials during CRS visit to Jericho, August 2009.

⁸⁸ Ibid.

⁸⁹ CRS conversation with Israeli officials in Tel Aviv, August 2009.

⁹⁰ International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.

⁹¹ The PASF heightened its security presence throughout urban areas in the northern and central West Bank under the guidance of Prime Minister Fayyad following his appointment.

⁹² International security assessment, op. cit.; see Human Rights Watch, op. cit.

Most observers agree that the Jenin operation was considerably successful in establishing law and order, and that the PG 3rd made a significant contribution to its success as a quick reaction force and as backup during high-risk arrests.⁹³ The streets have reportedly been mostly cleared of illegal weapons and cars, and armed gangs can no longer roam the streets openly.⁹⁴

Some have reported an increase in public morale as a result of the improvements in law and order in Jenin and elsewhere. The PA hopes that these improvements can be sustained and accompanied by visible economic betterment, and that public commitment to sustaining the improved living conditions might erode the popular base of support from which Hamas and other militants derive strength.⁹⁵ Some economic development has occurred, but questions persist about prospects for its long-term sustainability and effects on West Bank stability.⁹⁶

Eventually, once Israeli consent was obtained, the decision was made by the PA to step up operations in Hebron—the most populous West Bank governorate, the unofficial West Bank headquarters of Hamas, and a hotbed of tensions involving Israeli settlers and Palestinian clan rivalries—following the Jenin model. A deployment of approximately 600 PA security personnel (including 250 U.S.-sponsored, JIPTC-trained NSF troops and some PCP personnel trained through the EUPOL COPPS program) to supplement the existing security presence begun in October 2008. The operation was code named “Homeland Rising.” The forces’ improvement of law and order in neighborhoods that had not seen public policing for years, avoidance of being drawn into a battle when Israeli settlers clashed with Palestinian residents in December, and apprehension of a number of suspected Hamas militants led many among U.S., Israeli, and Palestinian officials and media to declare the operations a major success.⁹⁷ In an August 2009 conversation with CRS, a U.S. official cited anecdotal evidence from the Hebron operation indicating that, although most of the PASF contingent performed well, the JIPTC-trained personnel involved in the operation were even more disciplined and competent than their non-JIPTC-trained counterparts.⁹⁸

⁹³ See International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.; Wafa Amr, “Palestinian Police Make a Difference in Hebron,” *Reuters*, September 10, 2008; Israel Policy Forum, “Changing the West Bank Status Quo: A Conversation with Brigadier General (ret.) Baruch Spiegel,” Vol. 6.33, August 27, 2008, available at <http://www.israelpolicyforum.org/analysis/changing-west-bank-status-quo-conversation-brigadier-general-ret-baruch-spiegel>.

⁹⁴ International security assessment, op. cit.

⁹⁵ Hence the code name “Operation Hope and Smile.” See Avi Isaacharoff, “Luxury Mall Signals Transformation of ‘Terror Capital,’” *Ha’aretz*, June 21, 2009; International security assessment, op. cit.; International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.; James Gavin, “A New Mood of Optimism,” *Middle East Economic Digest*, May 30-June 5, 2008.

⁹⁶ Several high-profile projects—housing developments, industrial parks, superstores, entertainment complexes—have been completed or are in various stages of proposal or construction in and around Ramallah, Bethlehem, Jericho and the northern West Bank in an effort to jumpstart private sector development. Yet, most analysts advise against drawing the conclusion that the overall economy has turned a corner. In an October 2009 *Washington Post* interview, Fayyad acknowledged that the West Bank economy was growing at a rate of 8%, if not even more, but questioned whether this growth was sustainable. He advocates political progress with Israel and the simultaneous pursuit of a “critical mass” of major infrastructure and private investment projects throughout the West Bank. See Lally Weymouth, “‘Institution building’ in Palestine,” *Washington Post*, October 23, 2009. For additional information on this subject, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti; and CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti.

⁹⁷ CRS conversation with senior Western official in the region, December 2008; see Ehud Ya’ari, “A West Bank Victory,” *Jerusalem Report*, December 8, 2008; Ethan Bronner, “Palestinian Forces Dilute Hebron’s Volatile Brew,” *New York Times*, November 25, 2008; International Crisis Group, *Palestine Divided*, op. cit.

⁹⁸ CRS conversation with U.S. official in the region, August 2009.

Hamas, other Palestinian militant groups, and others skeptical of Abbas's and Fayyad's agendas protested that the PA forces had targeted and unlawfully abused Hamas members and affiliated institutions for purely political reasons and therefore could not be trusted by Palestinians at large to uphold the law impartially.⁹⁹ They also have sought to cultivate the image of the PASF as puppets of Dayton and as collaborators with Israel.¹⁰⁰ Yet, the complaints voiced by Hamas might be interpreted by some as a self-serving attempt to distract attention from the PA forces' success.

Contingents of U.S.-sponsored, JIPTC-trained PASF personnel (accompanied in places by PCP personnel trained through the EUPOL COPPS program) have been stationed throughout the West Bank's major urban areas in the hopes that they can sustain and further the progress that has been made.¹⁰¹ In April 2009 in Qalqilya, PA forces uncovered and dismantled a weapons laboratory (located in the basement of a mosque) and a workshop that together contained 80 kilograms of explosives, arresting seven people in connection with its raids.¹⁰² According to a senior Western security official in the region, leads developed in the mosque/weapons lab raid, combined with alert police work, led to a series of confrontations between PA forces and Hamas militants in late May and early June.¹⁰³ This resulted in the killing of Hamas's chief military commander in Qalqilya (who had eluded capture for 10 years on Israel's wanted list),¹⁰⁴ his assistant, and three other Hamas militants, although at the cost of the lives of four PASF personnel and one civilian.¹⁰⁵ The *Washington Post* referred to one of the incidents, which involved some U.S.-sponsored, JIPTC-trained troops, as "the kind of counterterrorism activity more typically carried out by Israeli forces in the occupied territory."¹⁰⁶

Hamas has condemned the targeting of its militants in Qalqilya as "traitorous" and has vowed to avenge them.¹⁰⁷ A sign that Hamas is actively seeking to undermine the PA in the West Bank was the June 2009 arrest by PA forces of a man in Nablus who admitted to receiving €1.5 million from Hamas's Gaza leadership in order to fund attacks on PA officials and buildings in and around Nablus.¹⁰⁸ Hamas also has used PASF operations in Hebron and Qalqilya as justification for suspending or threatening to suspend Egyptian-brokered Palestinian unity talks with Fatah. Hamas might be appealing to a political constituency that does not necessarily advocate current militant activity, but that is suspicious of Israeli, U.S., and other international interactions with PA security forces. This constituency might fear that these interactions could defang what it views as

⁹⁹ See International Crisis Group, *Palestine Divided*, op. cit.; Mitnick, op. cit.; Najib, "Palestinian Security Forces Must Aspire to Serve the State," op. cit.

¹⁰⁰ See Susser, op. cit.; Najib, "Palestinian Security Forces Must Aspire to Serve the State," op. cit.

¹⁰¹ CRS correspondence with senior Western official in the region, June 2009.

¹⁰² Ibid; see Intelligence and Terrorism Information Center at the Israeli Intelligence Heritage & Commemoration Center, "The Palestinian Authority Security Services Have Recently Exposed a Hamas Terrorist Network in Qalqilya," April 20, 2009, available at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/ct_e015.pdf.

¹⁰³ CRS correspondence with senior Western official in the region, June 2009.

¹⁰⁴ Ibid.

¹⁰⁵ Avi Isaacharoff, "Hamas Urges Palestinians to Fight PA Like They Would Israel," *haaretz.com*, June 1, 2009; Ali Waked, "PA Officer, 3 Hamas Men Killed in Clashes in Qalqilya," *Ynetnews*, June 4, 2009.

¹⁰⁶ Howard Schneider, "Palestinian Authority Forces Clash with Hamas," *Washington Post*, June 1, 2009. During this same time period, Israeli forces killed a Hamas military leader in Hebron. Hamas alleged that this took place with PA cooperation. See Efrat Weiss, "Hamas Vows Revenge After Leader Killed," *Ynetnews*, May 28, 2009.

¹⁰⁷ Ali Waked, "Hamas: We Will Avenge Qalqilya Deaths," *Ynetnews*, June 4, 2009.

¹⁰⁸ Ali Waked, "PA: Hamas West Bank Terror Plot Exposed," *Ynetnews*, June 9, 2009.

Palestinians' legitimate right to turn to resistance in the event of continued occupation of the West Bank by Israeli forces and settlers.¹⁰⁹

During the Gaza Conflict

When the Israeli air force began its bombing of Gaza in December 2008, there were fears that Palestinian anger would boil over and lead to violence aimed at Israel from the West Bank. Hamas leader Khaled Meshaal called for a "third intifada" from his Damascus, Syria headquarters, and many braced for the worst.

Just having finished their U.S.-sponsored training at JIPTC, troops from the NSF 3rd Special Battalion were deployed throughout the West Bank during the conflict to help other PA forces (approximately 1,600 total security personnel) handle public order as Palestinians began to demonstrate in protest of the Israeli military action in Gaza. PCP personnel trained by EUPOL COPPS also had a hand in crowd control during the conflict.¹¹⁰ EUPOL COPPS has trained approximately 1,000 PCP personnel to handle such situations.¹¹¹ Given its own problematic position vis-à-vis the demonstrators, the Israel Defense Forces (IDF) in the West Bank ceded direct responsibility for crowd control to the PA and made sure that the PA forces had unhindered access to areas of concern.¹¹² Recounting the situation, Dayton said the following:

The IDF also felt—after the first week or so—that the Palestinians were there and they could trust them. As a matter of fact, a good portion of the Israeli army went off to Gaza from the West Bank—think about that for a minute—and the commander was absent for eight straight days. That shows the kind of trust they were putting in these people now.¹¹³

The result was seen by the PA, Israel, and the USSC as a success, at the very least because the demonstrations did not escalate into general West Bank violence. The PA forces permitted people to gather and to demonstrate—for the most part peaceably—yet took measures to contain the demonstrations' intensity and factional character.¹¹⁴ In Hebron, where the tensions ran highest, at least one demonstrator was killed and others were wounded by gunfire from PA forces,¹¹⁵ but the overall security situation remained stable. Some analysts believe that Palestinians' confusion or hesitancy over whether to side with Hamas against the PA and general weariness and/or despair

¹⁰⁹ See Tally Helfont, "Palestinian Security Reform: A Moment of Truth," Foreign Policy Research Institute, June 19, 2009, available at <http://www.fpri.org/enotes/200906.helfont.palestiniansecurity.html>.

¹¹⁰ CRS correspondence with senior Western official in the region, April 2009.

¹¹¹ According to CRS correspondence with EUPOL COPPS officials in December 2009, 700 members of the Public Order unit and 300 members of the Guards and Protection unit of the PCP located throughout the West Bank have gone through two-week public order training courses led by EUPOL COPPS staff.

¹¹² See transcript of speech by Lieutenant General Keith Dayton, op. cit.

¹¹³ Ibid.

¹¹⁴ Ibid; see James Kitfield, "United They Fall; Divided They Stand," *National Journal*, March 28, 2009.

¹¹⁵ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 19, 2009. See International Crisis Group, *Ending the War in Gaza*, Middle East Briefing No. 26, January 5, 2009, available at http://www.crisisgroup.org/library/documents/middle_east___north_africa/arab_israeli_conflict/b26_ending_the_war_in_gaza.pdf.

over relations among themselves and with Israel may have lessened the demonstrations' potential to lead to violent uprisings.¹¹⁶

Assessing the Impact of U.S. Assistance

As successful as some of the PA security forces' publicized operations may have been, it may be premature to determine the impact U.S.-sponsored training (and the related EUPOL COPPS program) has had on their performance. Several intervening causes can be seen as contributing to the successes—including the distraction or exhaustion of militants, the emphasis on security by PA leaders following the loss of Gaza, the special attention given to sophisticated strategic and tactical planning, the employment of large PASF personnel levels, and the time- and area-specific lifting of restrictions on the PA forces' freedom of action by the IDF. On the other hand, one might argue that the PA and Israel would not have been willing to take the measures seen as possible intervening causes without the coordinating role played by the USSC or the hopefulness engendered by the resources and expertise provided by the United States to help organize, train, and discipline several new NSF battalions.

To the extent that successes have been spearheaded by existing troops and battalions as opposed to new recruits, skeptics could argue that the PG 3rd that assisted in the Jenin operation was a capable battalion to begin with and that the NSF 2nd was successful in the late-2007 Nablus surge operation *before* its JIPTC training. Nevertheless, if operational successes such as those apparently achieved in Jenin, Hebron, and Qalqilya and during the Gaza conflict can be sustained and consistently replicated throughout the West Bank, it seems likely that the training will be viewed as successful, or at least viewed as an integral part of an improved strategic approach.

Criminal Justice Sector Reform

Issue Overview and Challenges

PA and Western officials alike maintain that the permanent success of PA security reform depends on accompanying reform of and improvements to the PA criminal justice sector. Concerns are routinely expressed that improvements in the PASF's capacity to identify and arrest criminals has outpaced the criminal justice sector's capacity to detain, prosecute, and provide due process and humane treatment for those arrested. Consequently, there are many reports of a lack of confidence in the efficiency, transparency, fairness, and humaneness of the system,¹¹⁷ rendering the PA vulnerable to charges from Hamas and other opponents that it improperly politicizes matters of criminal law and violates prisoners' human rights.

¹¹⁶ See International Crisis Group, *Ending the War in Gaza*, op. cit.

¹¹⁷ See Howard Schneider, "A Deadly Palestinian Divide," *Washington Post*, September 19, 2009; Rabie', op. cit.; The Goldstone Report, op. cit.; International Crisis Group, *Palestine Divided*, op. cit. According to the International Crisis Group's *Palestine Divided* briefing, PSO and GIS detainees are routinely brought before military courts instead of civilian courts. In a conversation with a consultant working with the USSC in February 2009, CRS was told that civilian courts are bypassed, in part, because of PA desires to counter the perception held by Israelis and others that the PA detention system is a superficial "revolving door" with respect to suspected militants, even though the Israelis could be seen as contributing to the problem because they reportedly provide the PA forces with arrest lists without sufficient accompanying information to meet civilian court evidentiary standards.

Reform of the criminal justice sector is a key component of the plan PA Prime Minister Salam Fayyad rolled out during summer 2009 to establish “de facto Palestinian statehood” in two years.¹¹⁸

We are talking about security capability, law and order, including a well-functioning judiciary. Security is not complete unless there is a widespread belief on the part of the public that there is due process.... Additionally, [we need] physical infrastructure to provide services effectively to our people in all areas—social services, health, education.... The idea behind this is to ensure that in a couple of years, it will not be difficult for people looking at us from any corner of the universe to conclude that the Palestinians have a state.¹¹⁹

Some are concerned that, without a functioning Palestinian legislature and with the prospect of future PA elections uncertain, the rule of President Abbas and Prime Minister Fayyad is becoming less legitimate and more authoritarian. This could undermine efforts at gaining the confidence of the public in matters of security and criminal justice sector reform, and also potentially lead to problems within the PA in the event of future security policy disagreements among executive branch actors and/or PASF commanders without functioning legislative (or judicial) mechanisms to set legal parameters for the PASF’s developing mandate.¹²⁰

Partly in response to a particularly troubling incident of alleged prisoner abuse in Hebron in June 2009 (reportedly by officials from a PA intelligence organization that does not receive U.S.-sponsored JIPTC training) that resulted in the death of a man with suspected ties to Hamas,¹²¹ the PA has publicly insisted that it is taking steps to prevent future incidents. In August 2009, Interior Minister Said Abu Ali issued a directive pertaining to treatment of prisoners “forbidding ‘physical or psychological punishment,’ ordering medical care for those who need it and holding commanders responsible.”¹²² Reportedly, three PA intelligence officials directly responsible for the June 2009 incident are going through a process analogous to court martial, several others have been suspended, and permanent personnel changes are planned for the Hebron area command.¹²³

The “Jenin Pilot Program” and Other U.S. and International Efforts

The European Union—particularly EUPOL COPPS—has assumed a major role in overseeing international assistance to the PA in matters of criminal justice reform.¹²⁴ The EUPOL COPPS

¹¹⁸ See Palestinian National Authority, *Palestine: Ending the Occupation, Establishing the State*, Program of the Thirteenth Government, August 2009, available at http://www.mideastweb.org/palestine_state_program.htm. A key passage from the document reads: “Out of respect for our citizens, and in recognition of their desire to live free and peaceful lives under national independence, we must answer their demand to see the fruits of the state-building project. Against this background, the Palestinian government is struggling determinedly against a hostile occupation regime, employing all of its energies and available resources, most especially the capacities of our people, to complete the process of building institutions of the independent State of Palestine in order to establish a de facto state apparatus within the next two years. It is time now for the illegal occupation to end and for the Palestinian people to enjoy security, safety, freedom and independence.”

¹¹⁹ Lally Weymouth, “‘Institution building’ in Palestine,” *Washington Post*, October 24, 2009.

¹²⁰ See Sayigh, op. cit.

¹²¹ Howard Schneider, “A Deadly Palestinian Divide,” *Washington Post*, September 19, 2009.

¹²² Ibid.

¹²³ Ibid.; CRS correspondence with senior Western official in the region, December 2009.

¹²⁴ The “official donor coordination structure” for criminal justice and security sector assistance to the PA is made up of the Justice Sector Working Group and the Security Sector Working Group under the Governance Strategy Group that is part of the Local Development Forum (LDF) of the Ad Hoc Liaison Committee. The LDF is co-chaired by the (continued...)

mission was expanded to include a rule of law section in October 2007. EUPOL COPPS, the INL Bureau of the State Department, the European Commission, individual European states, Canada, and Japan have put forward donor assistance plans to improve professionalism and accountability and to more properly outfit PA law enforcement, judicial, and prison personnel and refurbish/construct associated facilities.¹²⁵ According to the State Department, “most Palestinian prisons were destroyed in Israeli military operations during the second intifada and have not been rebuilt.”¹²⁶

Largely due to concerns that the PA was unable to adequately process criminals arrested in association with heightened PASF operations in Jenin, then-U.S. National Security Advisor Stephen Hadley reportedly requested in late 2008 that the United States initiate a program to address the issue.¹²⁷ The concept was that such a program could buttress progress on security and economic development.¹²⁸ In response, the State Department’s INL Bureau has used \$2 million in FY2009 INCLE funding for a “Jenin pilot program” contracted out to the U.S.-based company DPK Consulting and aimed at training prosecutors, improving technical capacities (such as electronic case file management), and facilitating coordination between police and various law enforcement and judicial organs.¹²⁹ The project manager secured the participation of a Jordanian appeals court judge, who has “extensive experience in the training of Palestinian prosecutors, police, and judges,” to better accommodate the particularities of the situation in Jenin.¹³⁰ The judge’s participation has involved one-on-one mentoring with each of the nine Jenin public prosecutors, customized feedback and instruction to the prosecutors and local police, and suggestions for improving office administration.¹³¹

The Jenin pilot program is scheduled to last until spring 2010, but its influence on the larger criminal justice reform picture remains unclear. A small amount of FY2010 INCLE funding might be available for similar projects, and other international donors might choose to use some aspects of the program as a model for their efforts. However, some have expressed concern that the structuring of INL’s initial efforts with criminal justice reform as a one-off program in a single locality could undermine coordination and harmonization of international programs that are

(...continued)

PA Ministry of Planning, Norway, the World Bank, and the Office of the U.N. Special Coordinator for the Middle East Peace Process (UNSCO). CRS correspondence with senior international security official based in the region, June 23, 2009.

¹²⁵ See EUPOL COPPS information booklet, available at <http://ue.eu.int/uedocs/cmsUpload/EUPOL%20COPPS%20booklet.pdf>; EUPOL COPPS Rule of Law Section brochure, available at <http://ue.eu.int/uedocs/cmsUpload/RULE%20OF%20LAW-English.pdf>. Many of these plans were proposed during a conference held in Berlin in June 2008 to promote and raise funds for PA security and rule of law reform.

¹²⁶ U.S. Department of State, Country Reports on Terrorism 2008, op. cit.

¹²⁷ CRS conversation with U.S. official, July 2009.

¹²⁸ See, e.g., Ethan Bronner, “A West Bank Ruin, Reborn as a Peace Beacon,” *New York Times*, September 11, 2008.

¹²⁹ For project details, see DPK’s website at http://www.dpkconsulting.com/core/uploaded//dpknewsletter_sept09_final.pdf and http://www.dpkconsulting.com/core/_media/news.php?news_id=50. While INL handles criminal justice reform support in the West Bank, USAID implements a rule of law program in the West Bank for the civil justice sector.

¹³⁰ CRS correspondence with INL officials in the region, January 2010. In explaining the reason for the Jordanian judge’s participation in the program, the INL correspondence stated that the basic design of the PA judicial system is patterned after some aspects of the Jordanian system.

¹³¹ Ibid.

intended to be implemented West Bank-wide.¹³² One of the more significant international initiatives is a Canadian pledge of—reportedly—\$250 million over five years toward (1) training and support for PA legal prosecutors and (2) construction of three new court houses and of forensic/forensic medicine laboratories.¹³³ A senior Western official has told CRS that U.S. officials believe their relations with Canada on PA criminal justice reform are “strong and improving,” and remain good with the Europeans.¹³⁴

Although USSC/INL and other relevant donors coordinate activities and share information and best practices,¹³⁵ some analysts have raised concerns that PA criminal justice reform has proceeded too slowly.¹³⁶ In June 2009 correspondence with CRS, a senior international security official based in the region said:

As a result of increasing donor pressure (including from] General Dayton), the PA leadership (Fayyad and Pres Abbas) have recently shown increasing interest in solving the main problems in the justice sector and in committing to drafting a comprehensive justice sector strategy to address the current obstacles to reform (and development) of the system. With Palestinian State-building firmly back on the political agenda and from statements by Fayyad and the MoI it is clear that the justice sector has surfaced as a genuine concern and it is expected to stay a priority. I definitely expect more progress soon with a strengthened EUPOL COPPS mission and many [donor programmes] to get started.¹³⁷

Future Prospects

One possibility for the future might be for INL to involve itself more in the criminal justice sector. That said, it is uncertain whether greater U.S. resources and/or involvement could improve or expedite the reform process, given the difficulties inherent in changing entrenched realities in and reversing public distrust of the PA’s criminal justice system. In June 2009, A European official based in the region told CRS:

[Challenges to criminal justice reform] won't necessarily be solved by more money. I see structural problems in the PA’s system that PM Fayyad is well aware of and in dialogue with the EU on how to solve. The US adding their weight to this dialogue may increase its impact. This is an area where core systemic problems on the Palestinian side have to be solved in order for any additional money to have positive effect. If there is progress then we may need to scale up funding, but there are actually already a lot of donors in this sector so the US should be cautious not to duplicate existing work but bolster what’s already happening through careful coordination.¹³⁸

For example, even with greater application of resources and political will by U.S. and/or international donors/trainers, Western officials say that key actors within the PA judicial sector—including the PA attorney general (currently Ahmed al Mugani), minister of justice (currently Ali

¹³² CRS conversation with European official in the region, August 2009.

¹³³ CRS correspondence with Western security officials, June 2009 and January 2010.

¹³⁴ CRS correspondence with senior Western official in the region, January 2010.

¹³⁵ For example, EUPOL COPPS has an official designated as its liaison with the USSC. See Sayigh, *op. cit.*

¹³⁶ See Crouch, et al., *op. cit.*, stating that “these training efforts have not proceeded with anything approaching the necessary urgency.”

¹³⁷ CRS correspondence with senior international security official based in the region, June 23, 2009.

¹³⁸ CRS correspondence with European official based in the region, June 23, 2009.

Khashan), and Supreme Court chief justice/Supreme Judicial Council chair—have had problems coordinating their actions. The appointment of a new Supreme Court chief justice/Supreme Judicial Council chair, Farid Jallad (formerly Abbas’s presidential legal advisor and PA minister of justice), in late 2009 has raised the hopes of U.S. and international officials that, through leverage and/or better relations with his counterparts in the PA judicial sector leadership, Jallad can help make the sector more amenable to reform.¹³⁹ U.S. officials claim that the Jenin pilot program has been a notable exception to these coordination problems.

The USSC’s core areas of expertise—supervising the training of security forces, providing strategic planning and advice, and facilitating Israeli-PA coordination—may not translate into a similar level of expertise in the PA criminal justice sector. A senior international security official based in the region told CRS that the USSC “is only slowly starting to understand the sector.”¹⁴⁰ Yet, a facilitative USSC role may be beneficial on matters that necessitate Israeli-PA coordination, such as addressing the need for greater freedom of movement for PA law enforcement, judicial, and prison personnel and for transit of prisoners.¹⁴¹

The Road Ahead: Challenges, Obstacles, and Limitations

Will Israel Allow Greater Coordination and Freedom of Action?

The PA has been encouraged by the improvement in public safety and morale as a result of its forces’ operations in places such as Jenin and Hebron, and Israeli experts and officials have spoken in praise of the PA forces’ performance. Israeli Defense Minister Ehud Barak’s chief of staff, Brig. Gen. Michael Herzog, said in May 2009 that Dayton is “doing a great job.... We’re very happy with what he’s doing. I think for the first time, those three battalions that have already finished their training and deployed in the West Bank are doing a good job.... And for the first time, I see some sense of professional pride there that we’ve never seen in these forces.”¹⁴²

Yet, actual Israeli confidence in the forces’ capabilities may be better measured by the level of willingness to grant them increased freedom and exclusivity of operation, including within so-called “Areas B and C,” over which the Israelis retain security authority under the Oslo agreements (see **Figure 1** above). In public statements, Dayton has alluded to at least one context in which Israeli authorities have permitted U.S.-sponsored forces to operate in Area B.¹⁴³ Nevertheless, IDF Chief of Staff Lt. Gen. Gabi Ashkenazi said in May 2009 that the PASF’s “fight against terror” is improving, but that it was still too early to give them full security responsibility.¹⁴⁴ A December 2009 incident, in which IDF operatives killed three alleged Al Aqsa

¹³⁹ CRS correspondence with senior Western official in the region, December 2009.

¹⁴⁰ CRS correspondence with senior international security official based in the region, June 22, 2009.

¹⁴¹ CRS correspondence with U.S. government official, June 22, 2009.

¹⁴² Transcript of speech by IDF Brig. Gen. Michael Herzog, Washington Institute for Near East Policy Soref Symposium, Washington, DC, May 7, 2009, available at <http://www.washingtoninstitute.org/html/pdf/HerzogKeynote.pdf>.

¹⁴³ See transcript of speech by Lieutenant General Keith Dayton, op. cit.

¹⁴⁴ Weiss, op. cit.

Martyrs' Brigades affiliates in Nablus following the fatal shooting of an Israeli settler (an apparent terrorist attack) without consulting the PASF, has highlighted Israel's insistence on acting alone when it sees fit, which frustrates PA officials.¹⁴⁵ In a January 2010 interview, PA President Abbas said, "Frankly speaking, we are not guards; we are not Israel's security guards. We are partners. If they want us to cooperate, then we stand ready to do that within the limits of our national interests."¹⁴⁶ Israel's flexibility will likely determine whether the U.S.-sponsored, JIPTC-trained forces (and their EUPOL COPPS-trained counterparts) will be allowed sufficient opportunity to prove their capabilities.

In early/mid-2009, Israel announced that it was lifting curfews on PASF activity in four West Bank cities—Jenin, Ramallah, Jericho, and Qalqilya—to allow 24-hour operations. However, by giving the PASF this prerogative in "Area A" locations over which the PASF already were supposed to have primary security responsibility under the Oslo Accords, Israel was not discontinuing its own operations in these cities. The PASF, accustomed to the previous pattern, were not logistically ready to work around the clock in these cities and are still readying themselves to assume this responsibility. Reportedly, however, PASF personnel in Bethlehem are operating on or close to a 24-hour basis, having been given the go-ahead by Israel after its announcement with respect to the other four cities.¹⁴⁷

In June 2009, manned Israeli roadblocks to general Palestinian movement in the West Bank were scaled down—particularly in the northern West Bank and in Jericho—in response to the improved security situation and to international pressure.¹⁴⁸ Some observers might counter that the improvements made, although significant in a relative sense, are too incremental and conditional to instill confidence among Palestinians and key third parties (such as would-be investors) that might lead to sustainable economic, political, and civil society development and institution-building that the United States and the international community see as important precursors to Palestinian statehood.¹⁴⁹

Some have said that, relatively speaking, the level of Israeli-PA security coordination is encouraging, given the depth of distrust that resulted from the collapse of coordination during the second intifada.¹⁵⁰ Some might contend that the PA simply needs to give its forces and the USSC more time to help the Israelis overcome any residual doubts. Others believe that coordination has been set back since Prime Minister Binyamin Netanyahu's government came to power, claiming that the IDF is less willing to allow PASF personnel to operate in proximity to its troops in urban areas than it was under former prime minister Ehud Olmert.¹⁵¹ Some might conclude that waiting

¹⁴⁵ See Ethan Bronner, "Israeli Military Kills 6 Palestinians," *New York Times*, December 26, 2009. PA Prime Minister Fayyad condemned the IDF operation as an "assassination" and "an attempt to target the state of security and stability that the Palestinian Authority has been able to achieve." Ibid.

¹⁴⁶ Transcript of interview with Mahmoud Abbas, WAFA (Ramallah), January 1, 2010, Open Source Document GMP20100102061003 (English translation from Arabic).

¹⁴⁷ CRS correspondence with senior Western official in the region, December 2009.

¹⁴⁸ Amos Harel and Avi Isaacharoff, "Israel Removes Dozens of West Bank Roadblocks," *Ha'aretz*, June 24, 2009, stating, "On average, a trip between Ramallah and Jenin takes 90 minutes, while several months ago it took hours."

¹⁴⁹ See CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti. According to this report, although manned checkpoints within the West Bank have been scaled back, "many obstacles remain, and controls on movement between Israel and the West Bank remain largely unchanged."

¹⁵⁰ CRS correspondence with senior Western official in the region, June 2009.

¹⁵¹ CRS correspondence with Western analyst based in Jerusalem with a major non-governmental organization, June 19, 2009.

for an increased Israeli comfort level is unacceptable because of political reasons or because of the possibility that another crisis might scuttle existing prospects in the meantime.¹⁵²

A reason for skepticism is the so-called “chicken-egg” security dilemma—that Israel might not leave the West Bank to the PASF until they have the capacity and willingness to suppress attacks on Israel, but that the PA forces cannot develop the necessary capacity and willingness while Israeli occupation forces stir Palestinian resentment and undermine the PA forces’ ability to take independent action.¹⁵³ The IDF routinely restricts the scope of PASF operations—through curfews (as mentioned above), checkpoints, and limitations on international arms and equipment transfers—and by refusing to make arrests requested by the PA in areas under Israeli control.¹⁵⁴ Moreover, the effectiveness of the IDF in apprehending terror suspects reinforces a common Israeli belief that handing over control of anti-terror operations to the PA is not worth the risk of having such operations fail. Many PASF personnel feel, however, that IDF operations undermine Palestinians’ willingness to perceive PA forces as their legitimate, independent protectors and as foundational building blocks for a future state.¹⁵⁵ In such a context, can any amount of training, strategic advice, and coordination instill public confidence in the PA forces’ efforts against militant networks?

Counterterrorism and Consolidation: Comprehensiveness of USSC Role

Before Israelis will agree to IDF withdrawal (partial or full) from the West Bank, a final peace agreement, and the creation of a Palestinian state, they may need to be convinced that the PA forces are capable of suppressing and dismantling terrorist infrastructures designed to stage attacks against Israel—not least, against Jewish settlements in the West Bank (which necessitate much of the IDF presence there). It is uncertain whether PA forces, particularly JIPTC-trained NSF and PG forces, currently have this capability or are likely to acquire it soon. Training at JIPTC focuses more on establishing law and order than on counterterrorism techniques.¹⁵⁶ It may be too early to tell whether recent PASF operations against Hamas militants (such as in Hebron and Qalqilya) are indications of general progress on the counterterrorism front—in terms of (1) the PA’s competence, (2) the Israelis’ willingness to step aside, and (3) the impact on militant groups’ hierarchies, weapons caches, and supply chains.¹⁵⁷

¹⁵² Daniel Kurtzer, a former U.S. ambassador to both Israel and Egypt, has said, “Dayton is trying quietly to build a credible, non-politicized unit to operate with law and order, and that’s what is needed. It’s working. But the pace is too slow, it has to be accelerated. The Palestinians want Israel out of their cities and you need a credible Palestinian force on the street.” Gary Rosenblatt, “Two-State Solution Achievable,” *New York Jewish Week*, May 21, 2009.

¹⁵³ See “Chickens and Eggs,” *Economist*, April 24, 2008; International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.

¹⁵⁴ International security assessment, op. cit.; see footnote 1. Several international observers identify Israeli restrictions on movement as the main obstacle not only to PA security progress, but also to Palestinian economic development and civil society growth. Regarding limitations on arms and equipment transfers, see “Israel Gives U.S. Green Light to Supply PA Police with Flak Jackets,” *Reuters*, August 13, 2008; Isabel Kershner, “Israel Aids Palestinians with Arms,” *New York Times*, September 6, 2008.

¹⁵⁵ See “Chickens and Eggs,” op. cit.; International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.

¹⁵⁶ CRS correspondence with senior Western official in the region, June 2009.

¹⁵⁷ See International Crisis Group, *Ruling Palestine II: The West Bank Model?*, op. cit.; Susser, op. cit.; Waked, “Abbas Vows to Crack Down on Hamas Violence,” op. cit.

Some might say that if success in building the PA's counterterrorism capacity within a consolidated security structure subject to civilian control is the key to enabling progress in political negotiations with Israel, then the United States might consider giving the USSC—the mission that is publicly tasked with helping effect PA security reforms—broader authority over U.S. efforts with PASF organizations across the board.¹⁵⁸ Neither the Preventive Security Organization, which reportedly received U.S. training in counterterrorism during the Arafat era and may still receive such training (as discussed above—see “Oslo-Era Security Assistance” and “Backslides and Delays in Reform: 2000-2007”), nor the General Intelligence Service currently falls under the USSC's train-and-equip mandate (with the exception of a few senior leaders from both organizations—see “Substance of Training” above). By limiting the USSC's involvement with these PA intelligence organizations, the risk exists that allowing exceptions to the security reform mission could eventually—through these organizations' lack of accountability—undo and reverse whatever successes might be achieved. According to Yezid Sayigh, a longtime analyst of Palestinian security forces,¹⁵⁹

the Palestinian public increasingly blames [Dayton] and the National Security Forces he is rebuilding for the human rights abuses and growing atmosphere of political intimidation generated by the intelligence agencies. Yet relations with the intelligence agencies are handled exclusively by the CIA and he is not privy to them. This only underlines the continuing lack of harmonization in the U.S. approach, and explains the conviction among Dayton's Palestinian counterparts that it is the U.S. Consulate and the CIA, not he, who lead on U.S. policy and keep the money flowing.¹⁶⁰

One objection to involving the USSC directly with the PA intelligence organizations is that the U.S. could bring upon itself the appearance of impropriety by drawing closer in its ties to groups with questionable human rights records. On the other hand, one might counter, if the goal of PA security reform and consolidation is as important as its proponents say it is, then avoiding perceptions of impropriety might be less of a priority than working to help the PSO and/or the GIS rectify concerns they face on accountability and human rights issues, particularly given that U.S. ties to these organizations may already exist.

Historical Analogies and the Question of Political Progress

It is virtually impossible to avoid drawing analogies between current U.S. security assistance efforts and efforts made during the Arafat era. Those who believe that matters are fundamentally different this time point to the fact that the PA is recruiting new, thoroughly vetted troops for its U.S.-sponsored NSF battalions, as opposed to recycled militiamen with checkered pasts. They also point to the fact that a U.S. three-star general (Dayton) has been personally based in the region for four years, lending his efforts and prestige to the mission, and that the four-month training program at JIPTC provides advantages to PA security personnel that Arafat-era personnel never had (see “Substance of Training” above). Yet, some observers question whether the improvements are sufficiently decisive. It is possible that undisciplined elements in the PA security forces, provocations from Israel, and/or demoralizing economic or political

¹⁵⁸ Compare, for example, the USSC's mandate with that of the military and security transition teams in Iraq and Afghanistan, which are assigned to provide comprehensive tactical, operational, and logistical training and advice to those two countries' security forces.

¹⁵⁹ Sayigh also has worked off and on as an advisor, consultant, and negotiator with the PLO since 1990.

¹⁶⁰ Sayigh, op. cit.

developments could contribute to one or more incidents that fan the flames of conflict, even though the forces' discipline has held thus far.

There are those who are skeptical that the differences cited above are sufficient to ensure a better outcome. They point to similarities between the two time periods, as well as to other differences that might actually make the U.S.'s job more difficult than it was during the Arafat era. Even though there are fewer extant PA security organizations, complete consolidation under civilian control remains more of an aspiration than a fact, and the "competing fiefdoms" mentality continues.¹⁶¹ Much of the international assistance provided still bypasses the Ministry of Interior (although that is not the case with the USSC/INL program or EUPOL COPPS, which coordinate with the MoI) and is routed directly to the separate security organizations¹⁶²—likely including the less transparent intelligence organizations. Can the United States and other Western donors help the PA counter the institutional inertia that they appear to have helped create?

Skeptics also might note that the positive characterizations of PA security efforts by Israeli officials in recent months bear resemblance to similar statements of praise made during the Arafat era in the two years following the 1998 Wye River Memorandum. In both cases, U.S. efforts at brokering Israeli-Palestinian security cooperation have been tied to hopes that the United States could facilitate progress between Israel and the PLO on final-status peace negotiations at the same time. These hopes were frustrated in the Arafat era when the two sides failed to reach an agreement at Camp David in July 2000, and the collapse in security cooperation began soon after with the outbreak of the second intifada in September 2000. Might comparable damage be done to Israeli-PA security cooperation in the event significant political progress toward a two-state solution cannot be achieved under the auspices of the Obama Administration? If that might be the case, what is the risk that members of the PA forces might use their training and equipment against Israel—either with or without provocation—despite the steps being taken to avoid such an eventuality? Might motivating young PA security recruits through talk of a state raise the risk of negative unintended consequences by inflating expectations more than they are merited by socioeconomic and political developments?

The prospects of reaching a successful political resolution might even be more difficult in the current situation because of Hamas's control over Gaza and the questions of legitimacy and political motivation that hang over Abbas, Fayyad, and the PASF's operations. Arafat faced no comparable factional challenge to his leadership of the Palestinian people.

Between the collapse of Arafat-era security efforts and now, lessons from intervening U.S. military operations and training missions in Iraq and Afghanistan have led several military officers and political actors—from the Iraq Study Group and commanding generals such as David Petraeus to several Members of Congress and members of the Bush and Obama administrations—to conclude that tactical successes in the security sphere can only be made permanent if reinforced by economic and political progress that draws support away from violent extremist groups such as Al Qaeda and the Taliban.¹⁶³ Might the same logic apply to this

¹⁶¹ See video of Ghaith al Omari, Ilan Paz, and Brian Katulis, "Prospects for a Two-State Solution: Understanding Challenges and Creating Opportunities," Center for American Progress, Washington, DC, March 20, 2009, available at <http://www.americanprogress.org/events/2009/03/ipmep.html>.

¹⁶² CRS conversation with consultant working with the USSC, September 2008.

¹⁶³ See *Iraq Study Group Report*, December 2006, available at http://media.usip.org/reports/iraq_study_group_report.pdf; Cameron W. Barr, "Petraeus: Iraqi Leaders Not Making 'Sufficient Progress,'" *Washington Post*, March 14, 2008.

situation—linking the ultimate success of PA security reform to progress on economic development and on outstanding disputes with Israel, in hopes of drawing support away from Hamas and other militant groups? In a May 2009 interview with *New York Jewish Week*, Dayton himself acknowledged, “Security by itself won’t result in a Palestinian state,” noting political and economic dimensions to the issue. “But security is an important first step.”¹⁶⁴ Additionally, in March 2009, the *National Journal* quoted a “senior U.S. officer knowledgeable about the West Bank operations” as follows:

What we’ve learned in counterinsurgency operations in Iraq and Afghanistan is that you have to follow up that security piece with economic development that promotes jobs, and restores personal pride, dignity, and hope to local citizens so that they turn away from radicalism and violence. The Israelis just don’t think in those terms, which is one reason they haven’t stopped settlement activities. Until they do that, Israel will continue to undermine the credibility of the more professional Palestinian security forces we’re trying to create, by making it seem that they are only doing the bidding of Israel and the settlers.¹⁶⁵

Another factor to consider is that the Palestinian rocket threat that has materialized since the second intifada may have made satisfying Israeli expectations on security more difficult than it would have been during the Arafat era. A December 2008 report by three U.S. defense policy experts that was published by the Washington Institute for Near East Policy said that Israel might be reluctant to withdraw from the West Bank unless it can reasonably guarantee that rocket attacks will not threaten Israel from there as they do from Gaza.¹⁶⁶

Options for Congress

The 111th Congress, through its capacities to provide oversight and to authorize and appropriate funds, has the opportunity to monitor the statements and activities of the Obama Administration (including U.S. Special Envoy for Middle East Peace George Mitchell) closely and to fulfill its constitutionally distinct but co-equal role on this subject. Yet, Congress might also consider to what extent it is advisable to involve itself in the details of security assistance efforts, and to what extent it is advisable to accord deference to those who are tasked with the efforts on a day-to-day basis. There also could be calls for Congress to take into account how U.S. security assistance might lead to progress on (1) the Israeli-Palestinian political track (including Israel’s willingness to halt settlement building in the West Bank and East Jerusalem and to contemplate redeployment from the West Bank in connection with final-status negotiations), (2) Palestinian civil society, governance, and economic development, and (3) efforts to end geographical and factional divisions between Palestinians in the West Bank and in Gaza.

Concerns Going Forward

One concern is whether U.S. involvement in Palestinian affairs is enhancing the legitimacy of Abbas and the PA or detracting from it by allowing Hamas and others to gain political traction with their long-time argument that the PA is too beholden to the United States. Another is whether U.S. involvement in strengthening and reforming PA security forces is feeding a perception that

¹⁶⁴ Rosenblatt, op. cit. See also Dreyfuss, op. cit.

¹⁶⁵ Kitfield, op. cit.

¹⁶⁶ See Crouch, et al., op. cit.

the PA forces are more “Israel’s cops” than focused on state-building from a Palestinian perspective. Opponents of an emphasis on PA security reform and on measures promoting incremental progress in civil society, governance, and economic development at the expense of a more expeditious political resolution with Israel might argue that efforts to bolster Palestinian moderates in the 16-plus years since Oslo have appeared to make Hamas stronger, not weaker. (Yet, Hamas is also politically vulnerable to charges that it is the proxy of an external power—in its case, Iran.) In the final calculus, some believe that these possible political liabilities, when considered together with doubts that U.S. assistance can enable the PA to overcome the challenges and obstacles it faces on security matters—including the difficulties posed by Israeli occupation—militate against continued assistance. Others might argue against continued assistance out of concerns that it could contribute to future intra-Palestinian or Israeli-Palestinian violence. At minimum, periodic reevaluations might be advisable with regard to the cost-efficiency and effectiveness of (1) venues for and types of training, (2) methods and types used in furnishing equipment and constructing facilities, and (3) provision of strategic and tactical assistance.

Yet another concern is the possibility that U.S. security assistance efforts might be publicized by either or both the Israelis and/or the Palestinians to fit a political narrative that may not be in U.S. interests of promoting a lasting, peaceable two-state solution. Examples could include Israeli support for PA security reform efforts as part of a movement toward an “economic peace” that downgrades the importance of final-status negotiations or eventual Palestinian sovereignty, or PA/PLO claims that a supposed lack of Israeli reciprocity in response to PA security efforts is a sign of Israeli bad faith.¹⁶⁷

An additional concern is the economic and logistical sustainability of the PASF infrastructure. Given the PA’s current dependence on the international donor community (on which it relies to defray its annual budget deficit of over \$1 billion), some have queried whether the international community should be actively assisting the PA to (1) assume salary obligations for new PASF personnel and pay substantial pensions for retirees, (2) build new facilities with considerable fixed costs and maintenance obligations, and/or (3) acquire additional vehicles and equipment from widely different sources that call for different types of specialized maintenance. Some believe that this may prolong the PA’s dependence on external assistance, and that the onus is on the United States (and other donors) to identify and cut unsustainable or unnecessary assistance because, although the recipient (in this case, the PA) may recognize that the assistance is suboptimal in one or more respects, the temptation to take what is offered might be too strong to refuse.

¹⁶⁷ Michael Oren, Israel’s ambassador to the United States, has said, “You can send George Mitchell back and forth to the Middle East as much as you like, but expanding what Dayton is doing in the security realm to other sectors of Palestinian governance and society is really the only viable model for progress that we have. What we’ve learned from the peace process is that there are no Nobel Prizes at the end of this road. We have to build a foundation for progress street by street, and city by city.” Kitfield, *op. cit.* Saeb Erekat, longtime chief PLO negotiator, said in June 2009 that while the PA has made significant progress “in the areas of governance, finance and security sector reform in line with our Road Map obligations,” Israel has evaded its first obligation under the Roadmap—“a comprehensive settlement freeze.” Erekat: Abbas, Mitchell Hold Constructive Talks,” *Xinhua*, June 10, 2009.

Expanding U.S. Mandate and/or Capabilities

Some recommend both improving the quality and increasing the quantity of USSC staff members. The Washington Institute for Near East Policy, in a lengthy report on U.S. security assistance to the PA, stated:

The USSC should be staffed to capacity immediately and augmented beyond its current unsatisfactory level now that it has developed a concrete mission and demonstrated success. Assigned personnel should have Arabic-language skills and military experience and qualifications appropriate to the assignments they will be performing.¹⁶⁸

What sufficient “capacity” might be for the USSC to proceed in its duties more robustly and expeditiously is open to debate. A senior Western official in the region has suggested that an ideal number of full-time staff (not including State Department contractors) might be between 50 and 80 (up from the current number of approximately 45).¹⁶⁹ Others might seek to advance the U.S. interest in strengthening Palestinian moderates while at the same time keeping the U.S. “footprint” more modest. A European official in the region has suggested that “Any expansion of the USSC should tally with PA needs and complement other donor commitments. Once this is gauged the mission will have a better picture of what it could do beyond what it is already doing. It would then follow to look at what resources are needed.”¹⁷⁰

As discussed at various points above (see “Counterterrorism and Consolidation: Comprehensiveness of USSC Role” and “Criminal Justice Sector Reform”), some maintain that the U.S. mandate in security assistance matters should be expanded to give the USSC more comprehensive reach over all PA security organizations (including intelligence organizations), along with authority to help train and outfit these organizations more directly for counterterrorism operations, and perhaps also to give the State Department’s INL Bureau an enhanced role in criminal justice sector reform. Expanding the USSC/INL mandate could involve increases both in personnel and in funding.

On the other hand, giving USSC/INL too many tasks could hinder rather than help the security assistance effort by, among other things, spreading the USSC’s resources too thin and distracting its attention from its core objectives of helping train and outfit the National Security Forces, helping the Ministry of Interior with strategic planning, and facilitating Israeli-Palestinian security coordination. One option may be to encourage USSC/INL to increase its emphasis on (and possibly to apportion greater resources toward) strategic planning and consultation aimed at further consolidating accountable, defactionalized civilian control within the MoI (see “How U.S. Efforts Are Coordinated” above).¹⁷¹ Thus far, \$13.5 million out of the initial \$295 million appropriated through the INCLE account has been apportioned to these efforts (see **Table 1** above). Alternatively or concurrently, measures might be taken aiming to ensure that no other

¹⁶⁸ See Crouch, et al., *op. cit.*

¹⁶⁹ CRS conversation with senior Western official in the region, December 12, 2008. Currently, the U.S. contingent within USSC is capped at 16.

¹⁷⁰ CRS correspondence with European official in the region, June 23, 2009.

¹⁷¹ In correspondence with CRS on June 23, 2009, a European official based in the region said, “Gen Dayton has long been a proponent of working with others in the international community to ensure statebuilding efforts mutually reinforce one another. His team’s work in the Ministry of Interior is a good example of this. The USSC is also a member of the aid coordination group to the security sector; this is important in ensuring all donor funding, including the US, remains coordinated.”

assistance programs to the PA security forces—U.S. or foreign—are obstructing the ability of USSC/INL (and partner programs such as EUPOL COPPS) to carry out its current mandate.¹⁷²

Some have protested the strict limitations on travel by American staff members of the USSC to and within the West Bank. They assert that the USSC's effectiveness is likely to increase if its U.S. contingent is given greater freedom to travel to PA deployment areas, bases, and political offices and to regularly monitor the level of Israeli-PA coordination and PA freedom and exclusivity of operation.¹⁷³ Others might say that this change might invite more risk than is advisable in light of the progress the mission has achieved under current operating standards.

Some have called for executive action to exclude USSC staff from West Bank travel limitations, and have even proposed legislative action to transfer authority over the USSC mission from the State Department to the Defense Department in order to get rid of the limitations on both travel and on other matters relating to assistance.¹⁷⁴ Yet, formally militarizing the mission could upset the current balance, under which the U.S. security assistance mission operates within a larger diplomatic context. Moreover, with the Defense Department's attention still very much focused on its military operations in Iraq and Afghanistan, it might not be eager to assume full responsibility for this mission as well. U.S. interagency consultation and coordination does take place, and it is possible that, as it continues, this process can draw upon the interagency experiences and best practices of other international donors.¹⁷⁵

Contingency Plans

Another way for Members and committees of Congress to carry out their responsibilities with respect to U.S. security assistance to the PA might be to insist on sound contingency planning, given the possibility that unforeseen events in the region could have a major impact in the future. Congress might choose to confer closely with the Obama Administration (including the President himself, the National Security Council, the Defense Department, the State Department, Special Envoy Mitchell, and USSC/INL) on this subject. One way to do so would be to challenge the Administration to disclose whether it has options, and what those options are, in the event that one or more of the following short-, mid-, or long-range contingencies come to pass (listed in no particular order):

- The conclusion of a final-status Israeli-Palestinian peace agreement and/or the establishment of a Palestinian state

¹⁷² See Crouch, et al., op. cit.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ For example, the United Kingdom has financed some of its aid for Palestinian security assistance and development through its Conflict Prevention Pool (CPP), which devolves control over funding as well as activities to a committee of UK personnel based in the region from the Ministry of Defense, the Foreign and Commonwealth Office, and the Department for International Development. For an analysis of CPP activities in the region, see Nicole Ball and Luc van de Goor, "Promoting Conflict Prevention through Security Sector Reform: Review of Spending on Security Sector Reform through the Global Conflict Prevention Pool," PriceWaterhouseCoopersLLC, April 2008, available at <http://www.ssrnetwork.net/documents/Publications/PromConfPrevThruSSR/GCPP%20SSR%20Report%20Final%20Apr08.pdf>. For an analysis of the experiences of the EUPOL COPPS program, see Bulut, op. cit.

- The formation of a PA consensus or unity government that includes Hamas (either with or without the approval of the so-called “Quartet conditions”¹⁷⁶ by all members of the government)
- A full or partial return of PA authority to the Gaza Strip (such as with regard to the border crossings)
- A Hamas victory in legislative and/or presidential elections
- The clear establishment of authoritarian rule in the West Bank and further segregation of the West Bank and Gaza from each other
- The clear pursuit by any key party of an alternative to a negotiated two-state solution
- An outbreak of factional Palestinian conflict within the West Bank and/or the Gaza Strip
- An outbreak of Israeli-Palestinian conflict
- An outbreak of war in the wider region

Depending on the contingency, response options might include cessation, reduction, or suspension of all U.S. assistance or various types of assistance, expansion of various types and levels of assistance, possible continuation of security assistance exclusively through either the PA president or the PA government (if one or the other is an unacceptable partner due to terrorist associations and/or its failure to meet the Quartet conditions), possible plans for coexistence/integration of PA forces and Hamas forces (assuming Hamas has met the Quartet conditions), and/or possible contribution to and/or coordination with a potential Arab and/or international peacekeeping/monitoring force.

The Israeli daily *Ha'aretz* reported that Secretary of State Hillary Rodham Clinton warned PA President Abbas during their March 2009 meeting in Ramallah that U.S. pledges of assistance for the PA would likely be withdrawn if a PA consensus or unity government including Hamas did not meet the Quartet conditions. According to the article, the USSC/INL program “would be the first to be axed.”¹⁷⁷

Congressional insistence on sound contingency planning could be communicated to the Obama Administration through public hearings or conferences, private consultations, information-gathering visits to key actors in the region, or some combination of these means. It might be well for Congress to weigh the pros and cons of publicity carefully, given that many of these contingencies touch upon politically and diplomatically sensitive issues.

Benchmarks and/or Periodic Reports/Accountings

A further option for Congress is to regularly and continually evaluate the progress of security assistance efforts and to tailor parameters for appropriations based on these periodic evaluations.

¹⁷⁶ The Quartet says that these three conditions are required for it to maintain contact with and offer assistance to any PA government: (1) recognition of Israel’s right to exist, (2) renunciation of violence, and (3) willingness to be bound by previous international (including Israeli-Palestinian) agreements.

¹⁷⁷ Barak Ravid, “Clinton: U.S. Gaza Aid Tied to Recognition of Israel,” *Ha'aretz*, March 12, 2009.

Having benchmarks and reporting on progress under them are conditions precedent to obligating security assistance to the PA under current appropriations legislation.¹⁷⁸ Possible parameters for benchmarks could include terrorist attack frequency; specific levels of criminality; and progress in dismantling terror networks, in consolidating accountable civilian control over all PA security organizations, and/or in coordination with Israel.¹⁷⁹ Parameters could be tied to performance benchmarks for the PA and its security forces (with or without specific timetables) that could be verified through executive branch certification, direct congressional observation, or a third party specifically dedicated to the purpose. Whether proposed benchmarks are more quantitative/objective or qualitative/subjective in nature, they might not be particularly useful in charting progress if they are unable to isolate the impact of U.S. assistance on PA security reform discretely from possible intervening variables.

Another question to consider is whether and how benchmarks might be considered in the larger Israeli-Palestinian context. For example, might there be a way to have benchmarks that vary depending on the extent to which Israel might loosen restrictions on PA freedom and exclusivity of action in key areas and remove obstacles to movement (i.e., checkpoints)? Perhaps more qualitative evaluations of PA security progress could take into account reciprocal moves taken by Israel toward its Roadmap obligations (specifically, ceasing settlement activity) or on other measures of progress on the political track (such as progress on negotiations). Yet, benchmarks have their limitations in a complex environment where multiple and unforeseen variables might impact outcomes.

An alternative to setting benchmarks, while still allowing for a measure of heightened accountability, might be to require periodic reports and/or accountings of U.S. assistance and PA security activities from the executive branch similar to those that have been required in the past.¹⁸⁰ These reports and accountings likely would require detailed information on a variety of

¹⁷⁸ See P.L. 111-117, Sec. 7039(c)(2): “Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.”

¹⁷⁹ During the 111th Congress, Representative Ileana Ros-Lehtinen, the Ranking Member of the House Foreign Affairs Committee, sponsored a bill proposing that all U.S. assistance to the PA be subject to a presidential certification to the Foreign Affairs and Appropriations committees (required every six months) that the PA is meeting certain benchmarks, including making “demonstrable progress” on purging individuals with terrorist ties from its security services, thwarting terrorist attacks and dismantling terrorist infrastructure, cooperating with Israeli security services, halting anti-Israel incitement, and ensuring democracy, the rule of law, transparency, accountability, and an independent judiciary. H.R. 2475, Foreign Relations Authorization and Reform Act, Fiscal Years 2010 and 2011, referred to House Foreign Affairs Committee, May 19, 2009. Instead, the House passed H.R. 2410, Foreign Relations Authorization Act, Fiscal Years 2010 and 2011 (sponsored by House Foreign Affairs Committee Chairman Howard Berman), on June 10, 2009.

¹⁸⁰ Section 7042(f)(2) of the Consolidated Appropriations Act, 2010 (P.L. 111-117) states, “The reporting requirements contained in section 1404 of P.L. 110-242 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.” This statement presumably refers not to *P.L. 110-242* (which is inapplicable to the case here), but to *P.L. 110-252*, the Supplemental Appropriations Act, 2008. Section 1404 of P.L. 110-252 contained the following reporting requirement: “Not later than 90 days after the date of enactment of this Act and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: *Provided* [emphasis original], That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if (continued...) ”

subjects, but, by leaving out specific benchmarks, could allow each Member of Congress greater flexibility in drawing his/her own conclusions regarding the success of U.S. security assistance and in determining whether and how to continue it. Additionally or alternatively, an option for Congress is for it to require periodic audits of U.S. security assistance to the PA by the Comptroller General/Government Accountability Office (GAO), much as it periodically requires GAO to audit the USAID West Bank and Gaza program and U.S. contributions to the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). An initial report from GAO on U.S. security assistance to the PA is expected to be published sometime in spring 2010.

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necessary, on the security strategy of the Palestinian Authority.”